

INFORMATIONAL HEARING  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of: )

Application for Certification )  
Mariposa Energy Project )  
Mariposa Energy, LLC )  
----- )

Docket No.  
09-AFC-3

**DOCKET**

**09-AFC-3**

DATE OCT 01 2009

RECD. OCT 20 2009

BYRON BETHANY IRRIGATION DISTRICT  
7995 BRUNS ROAD  
BYRON, CALIFORNIA

THURSDAY, OCTOBER 1, 2009

5:00 p.m.

**ORIGINAL**

Reported by:  
John Cota  
Contract No. 170-07-001

COMMITTEE MEMBERS PRESENT

Julia Levin, Commissioner, Presiding Member

HEARING OFFICER AND ADVISORS PRESENT

Kenneth Celli, Hearing Officer

Jim Bartridge, Advisor to Commissioner Levin

Kristy Chew, Advisor to Commissioner Byron

STAFF AND CONSULTANTS PRESENT

Kerry A. Willis, Senior Staff Counsel

Steve Bonta (via telephone)

Craig Hoffman, Project Manager

PUBLIC ADVISER'S OFFICE

Loreen McMahon, Associate Public Adviser

APPLICANT

Gregg Wheatland, Attorney

Yasuyuki "Yuki" Asakura  
Diamond Generating Corporation

Bohdan "Bo" Buchynsky  
Diamond Generating Corporation

Tetsuji Nakagawa  
Diamond Generating Corporation

Paula Zagrecki  
Diamond Generating Corporation

Jerry Salamy  
CH2MHILL

Doug Urry  
CH2MHILL

ALSO PRESENT

Kelley Geyer, Byron Bethany Irrigation District

Bob Nishimura, Bay Area Air Quality Management  
District

Madhab Patil, Bay Area Air Quality Management  
District

Hal Yeager, Airport Land Use Commission (via  
telephone)

David Angad (via telephone)

Keith McGregor (via telephone)

Bob Sarvey

Jeremiah Bodnar

James Lamb

Dick Schneider, Citizens for Open Space in Alameda  
County

Robert Anderson

Carol Ford, California Pilots Association

Keith Freitas, Director of Contra Costa Airports

Sylvia Little

Andrew Wilson, California Pilots Association

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1 P R O C E E D I N G S

2 5:02 p.m.

3 PRESIDING MEMBER LEVIN: All right.

4 Welcome everyone. Can you all hear me? Yes?

5 Wave your hand or shout if you can't. Is the mic  
6 definitely on? Oh. Is the mic on now?

7 HEARING OFFICER CELLI: You have to get  
8 right on it.

9 PRESIDING MEMBER LEVIN: Is the mic on  
10 now? I'm pretty on it. Is this better? Is the  
11 microphone on now?

12 HEARING OFFICER CELLI: I think you have  
13 to speak right in to it.

14 PRESIDING MEMBER LEVIN: Okay, is this  
15 better? All right, thank you. Welcome everyone  
16 to the Informational Hearing on the Mariposa  
17 Energy Project.

18 I am Commissioner --

19 UNIDENTIFIED PHONE CALLER: Hi, are you  
20 there?

21 PRESIDING MEMBER LEVIN: Hello.

22 HEARING OFFICER CELLI: Yes, Steve let  
23 me mute you there. If I may, let me just say to  
24 the callers on the phone, this is Ken Celli the  
25 Hearing Advisor. We will be putting you on mute

1 mode so that you can hear the proceedings and then  
2 when it comes time to, I'm sorry, if I seem  
3 scattered it's because I've got a lot of tasks  
4 going on. This is the first time we've done this.

5 We will unmute you at the end of the  
6 proceedings when it becomes time for us to do the  
7 public comment period. So we're asking that you  
8 be patient and hang in there.

9 What I've set the setting to be that  
10 when people call in it will be muted. So you will  
11 be able to hear us. We won't be able to hear you  
12 until I unclick the mute. So that is the status.

13 PRESIDING MEMBER LEVIN: Ken, before you  
14 mute them then we should make sure that the people  
15 on the phone can hear.

16 HEARING OFFICER CELLI: All right.

17 PRESIDING MEMBER LEVIN: Can those of  
18 you on the phone --

19 HEARING OFFICER CELLI: Okay, so Steve  
20 Bonta, can you hear me? Hal Yeager.

21 MR. YEAGER: Yes.

22 HEARING OFFICER CELLI: Okay. Thank  
23 you. Keith McGregor. Keith McGregor can you hear  
24 us? All of these people are on mute right now or  
25 he hung up it appears.

1                   PRESIDING MEMBER LEVIN: All right.

2                   HEARING OFFICER CELLI: Steve Bonta, are  
3 you on the line. Oh he was the person that just  
4 speaking. So he keeps coming and going. He's a  
5 busy guy.

6                   PRESIDING MEMBER LEVIN: Maybe he put us  
7 on mute.

8                   HEARING OFFICER CELLI: Yes. So at  
9 least Hal you can hear us.

10                  MR. YEAGER: Yes.

11                  PRESIDING MEMBER LEVIN: All right.

12                  HEARING OFFICER CELLI: Great.

13                  PRESIDING MEMBER LEVIN: Well to  
14 clarify, this is not our first hearing by a long  
15 shot (laughter) but it's the first time we've done  
16 this online and via telephone.

17                  So I am Commissioner Julia Levin. I'm  
18 one of two commissioners from the California  
19 Energy Commission assigned to the Siting Committee  
20 for the Mariposa Energy Project.

21                  Unfortunately the other commissioner  
22 member of the Committee, Commissioner Jeff Byron  
23 is not able to be here today. He is in  
24 Washington, D.C. hopefully bringing home lots more  
25 dollars and other great work for California.

1                   But in his place is his advisor Kristy  
2                   Chew who is sitting on my far left. On my right  
3                   is my advisor Jim Bartridge and to my immediate  
4                   left as I think he's already introduced himself  
5                   our Hearing Officer in this case, Ken Celli,  
6                   Kenneth Celli to whom I'm going to hand it over to  
7                   in just a moment.

8                   So welcome. And I would like to thank  
9                   the Byron-Bethany Irrigation District for hosting  
10                  this hearing and it's such a beautiful new  
11                  building. It really is a treat to be here.

12                 And it was also really nice to have the  
13                  site visit. Thank you very much to the applicant  
14                  being able to see the lay out of the land and  
15                  what's around it.

16                 I come from Contra Costa Counties. I'm  
17                  not too far away. And I love this area very much.

18                 At this time I would like to ask first  
19                  the applicant and then our staff to introduce  
20                  themselves so you know who is who. And then we  
21                  will launch into the presentations. So why don't  
22                  we start with the applicant please.

23                 MS. ZAGRECKI: I am Paula Zagrecki. I  
24                  am the Director of Finance for Diamond Generating  
25                  Corporation which is the owner and developer of



1 the Mariposa Energy Project.

2 Also with me is Gregg Wheatland who is  
3 our counsel. Would you like me to introduce  
4 everybody else with us?

5 PRESIDING MEMBER LEVIN: Just a minute,  
6 how many of them are there?

7 MS. ZAGRECKI: There's Tetsuji Nakagawa  
8 who is our President of DGC.

9 There's Bo Buchynsky who is Executive  
10 Director of DGC and who is the lead developer on  
11 the project.

12 There is Yasuyuki Asakura who is our  
13 Director of Asset Management.

14 And there's Gary Normoil who is our  
15 Director of Engineering who is going to be in  
16 charge of engineering and construction on the  
17 project.

18 And then we also have Doug Urry of  
19 CH2MHill who is the Project Manager who's helping  
20 us with the AFC.

21 PRESIDING MEMBER LEVIN: Okay, thank you  
22 very much. And Energy Commission staff.

23 MR. HOFFMAN: My name is Craig Hoffman.  
24 I'm the Project Manager for the CEC on this  
25 project. With me is Kerry Willis who is the staff

1       counsel and the Associate Public Advisor, Loreen  
2       McMahon.

3               PRESIDING MEMBER LEVIN:  And I'd also  
4       like to take this opportunity to ask if there are  
5       any elected officials or local government  
6       officials, regional air board, water board other  
7       local, state or government officials who would  
8       like to introduce themselves.  Please feel free to  
9       stand up.  Yes sir.

10              MR. LAMB:  I'm Jim --

11              HEARING OFFICER CELLI:  Actually ladies  
12       and gentlemen because everything that is going to  
13       be going on today is going to be transcribed.  We  
14       have a court reporter.  I will need everybody to  
15       come forward and speak into the microphones so  
16       that it makes its way into the tape recording.

17              So I'm sorry about that.  We know it's  
18       an inconvenience but if you want to speak please  
19       come forward and speak directly right into the  
20       mic.

21              MR. LAMB:  I'm Jim Lamb.  I live in  
22       Mountain House.  I'm one of the Directors of the  
23       Community Services District.

24              HEARING OFFICER CELLI:  Thank you.

25              THE REPORTER:  Would you spell your last

1 name please for the record.

2 MR. LAMB: L-A-M-B.

3 HEARING OFFICER CELLI: There's another  
4 gentleman over here.

5 PRESIDING MEMBER LEVIN: Yes sir, please  
6 come to the microphone.

7 MR. PATIL: My name is Madhab Patil.

8 And I work with Bay Area Air Quality District.

9 And the last name is P-A-T-I-L.

10 PRESIDING MEMBER LEVIN: Thank you very  
11 much.

12 HEARING OFFICER CELLI: I'm sorry I did  
13 not get the name. Your first name and last name  
14 and I'm sorry.

15 MR. PATIL: The first name is Madhab.

16 THE REPORTER: Spell that please.

17 MR. PATIL: M-A-D-H-A-B. And the last  
18 name is Patil.

19 HEARING OFFICER CELLI: Thank you.

20 PRESIDING MEMBER LEVIN: All right. The  
21 proposed Mariposa Energy Project is a natural gas  
22 fired simple-cycle peaking facility with a  
23 generating capacity of 200 megawatts.

24 Most of us were able to see the location  
25 of the facility earlier. Approximately seven

1 miles northwest of Tracy, seven miles east of  
2 Livermore, six miles south of Byron and  
3 approximately two and a half miles west of the  
4 community of Mountain House.

5 Just prior to this informational hearing  
6 the Mariposa AFC which is an Application for  
7 Certification from the Energy Commission, the AFC  
8 Committee conducted a public site visit at the  
9 proposed location of the power plant.

10 The purposes of today's hearing are  
11 extremely exciting. It's to provide information  
12 about the proposed power plant.

13 To describe our process the Commission's  
14 process in reviewing the application.

15 To provide information to the public  
16 about the power plant and opportunities, starting  
17 shortly, for the public to participate in the  
18 process.

19 To provide information to members of the  
20 public about how to participate from here on out  
21 in the process. And we strongly encourage public  
22 participation and make every opportunity for it as  
23 you will hear more about shortly.

24 And to meet and confer with the parties  
25 and the applicant about the project's schedule.

1                   So at this point I'm going to hand it  
2                   over to our Hearing Officer, Mr. Kenneth Celli and  
3                   he will be giving the next presentation.

4                   HEARING OFFICER CELLI: Thank you  
5                   Commissioner. You can all hear me okay? Great.  
6                   And again, I just want to say for the sake of the  
7                   people on the telephone that, for the webex, we  
8                   will be unmuting your lines at the point after the  
9                   presentations when we start taking public comment.

10                  So with that I'm going to start our  
11                  segment. You're looking at a power point of the  
12                  California Energy Commission building on the  
13                  corner of ninth and P Street in Sacramento.

14                  Next. The California Energy Commission  
15                  is a state agency that has exclusive jurisdiction  
16                  to license or certify, as we say, new power plants  
17                  that generate 50 megawatts of electricity or more.

18                  There are five Commissioners of which  
19                  two are assigned to the Mariposa Committee. This  
20                  is a Committee. Next.

21                  On August 26th the Energy Commission  
22                  accepted as complete the Application for  
23                  Certification for the Mariposa Energy Project, a  
24                  200 megawatt simple-cycle electric generating  
25                  plant in the northeastern corner of Alameda

1 County. Next.

2 Notice of today's hearing was mailed to  
3 all parties, adjoining land owners, interested  
4 governmental agencies and other individuals.

5 It was also posted on the Energy  
6 Commission's website.

7 The Public Advisor's Office will explain  
8 in more detail later about additional efforts to  
9 notify the public about today's hearing.

10 Today's hearing is the first in a series  
11 of formal Committee events that will extend over  
12 the next year.

13 The Commissioners conducting this  
14 proceeding will eventually issue a Proposed  
15 Decision containing recommendations on the  
16 proposed project to the full five member Energy  
17 Commission.

18 To be clear, the Mariposa Energy Project  
19 AFC Committee is made up of two Commissioners,  
20 Commissioner Levin and Commissioner Byron, their  
21 advisors and me. I'm the Hearing Advisor.

22 Next. It is important to emphasize that  
23 the law requires that the Committee's Proposed  
24 Decision be based solely on the evidence contained  
25 in the public record.

1                   To ensure that this happens and to  
2           preserve the integrity and impartiality of the  
3           Commission's licensing process the Commission's  
4           regulations and the California Administrative  
5           Procedures Act expressly prohibits private, off-  
6           the-record contacts concerning substantive matters  
7           between the participants in this proceeding and  
8           the Commissioners in this Committee, their  
9           advisors and me.

10                   Next slide please. This prohibition  
11           against off-the-record communications between the  
12           parties and the Committee is known as the ex parte  
13           rule.

14                   This means that all contacts between the  
15           parties and the Committee regarding any  
16           substantive matter must occur in the context of a  
17           public discussion such as this hearing today or in  
18           the form of a written communication that is  
19           distributed to all parties.

20                   The purpose of the ex parte rule is to  
21           provide full disclosure to all participants of any  
22           information that may be used as a basis for the  
23           Committee's future decision on this project.

24                   The Energy Commission staff, we're  
25           sitting over here, are a party to these

1 proceedings in the same way that the applicant is  
2 a party or an intervenor would be a party.

3 Even though staff and the Committee  
4 members are both part of the Energy Commission we  
5 are completely separate entities for purposes of  
6 these proceedings. So the ex parte rule applies  
7 to the Energy Commission staff in the same way  
8 that it applies to applicants and intervenors.

9 Next slide please. Additional  
10 opportunities for the parties and governmental  
11 agencies to discuss substantive issues with the  
12 public will occur in public workshops to be held  
13 by the Commission staff at locations near here and  
14 perhaps in Sacramento or elsewhere.

15 Information regarding other  
16 communications between the parties and  
17 governmental agencies is contained in written  
18 reports or letters that summarize such  
19 communications.

20 These reports and letters are  
21 distributed to the parties and are made available  
22 to the public. Information regarding hearing  
23 dates and other events in this proceeding will  
24 also be posted on the Commission's website.

25 Next slide. The Application for



1 Certification or AFC process is a public  
2 proceeding in which members of the public and  
3 interested organizations are encouraged to  
4 actively participate and express their views on  
5 matters relevant to the proposed project.

6 The Committee is interested in hearing  
7 from the community on any aspect of this project.  
8 Members of the public are also eligible to  
9 intervene in this proceeding. And if there are  
10 any potential intervenors we encourage to file  
11 petitions to intervene soon so that you can have  
12 full participation in the process.

13 Next slide please. At this time I'm  
14 going to hand over to the Public Advisor, Ms.  
15 McMahan will come up.

16 She's actually going to be at the  
17 podium, yes. After we hear from the Public  
18 Advisor we will hear from the applicant and then  
19 the staff will make their respective  
20 presentations.

21 This will be in turn will be followed by  
22 public comment. So with that please Ms. McMahan.

23 MS. MCMAHON: Thank you. I'm trying to  
24 stand and not sit so I can see everybody. Does  
25 that help? The best laid plans, I will adapt.

1                   Okay, well welcome if you can see me  
2                   because now I know some can't. My presentation,  
3                   okay first slide.

4                   HEARING OFFICER CELLI: Yes, is Kelley  
5                   around? I just wanted to acknowledge that I just  
6                   got an email that the people on the phones can't  
7                   hear us.

8                   So if Kelley is around I would  
9                   appreciate it if she could help us out here.  
10                  Because apparently there's something going on with  
11                  the phones and they're not able to hear.

12                  MS. MCMAHON: You want me to wait a  
13                  minute?

14                  HEARING OFFICER CELLI: Do you have her  
15                  cell phone? Oh, Kelley. Hi Kelley, we just got  
16                  an email chat that says that nobody can hear us on  
17                  the telephone. So hang in there phone people.

18                  One of the cool features about webex is  
19                  that the callers can actually send me a chat  
20                  message saying, I can't hear you. So at least  
21                  we're in touch with them.

22                  MS. GEYER: May I have the audio dialing  
23                  number that you guys had earlier? Could you give  
24                  it to me?

25                  HEARING OFFICER CELLI: Yes.

1                   PRESIDING MEMBER LEVIN: I'm sorry  
2       folks. Sorry folks for the delay. We're trying  
3       to enable as much participation as possible and  
4       still obviously getting some kinks out with the  
5       webex.

6                   HEARING OFFICER CELLI: Okay, so one,  
7       just the phone number. That 866 number, 866-469-  
8       3239.

9                   MS. GEYER: I'm sorry.

10                  HEARING OFFICER CELLI: That's 3239.  
11       Yes.

12                  MS. GEYER: It says you guys are still  
13       dialed in, so.

14                  HEARING OFFICER CELLI: Send them a note  
15       that we're fixing the phones now. Okay is it  
16       acknowledging it?

17                  MS. GEYER: It says that you're on. I  
18       mean I don't understand what's going on with the  
19       that.

20                  HEARING OFFICER CELLI: So I'm going to  
21       unmute the participants for a minute --

22                  MS. GEYER: Okay.

23                  HEARING OFFICER CELLI: -- and just hear  
24       if I can, I just took off the mute for all of you  
25       public that are on the telephone. Can you hear me

1       now? This is Ken Celli.

2               MR. YEAGER: Yes, I can hear you now.

3       I'll put my mute on so I won't disturb the  
4       conference. But I can hear you now. Thanks.

5               HEARING OFFICER CELLI: Thank you.

6       Now --

7               MR. BONTA: Ken this is Steve. You  
8       sound very distant.

9               HEARING OFFICER CELLI: Well Steve we're  
10      like right on top of the microphone here.

11              MR. BONTA: Okay.

12              HEARING OFFICER CELLI: Is that better?  
13      Can you hear me?

14              MR. BONTA: How about everyone else  
15      that's online? Can you hear him okay?

16              HEARING OFFICER CELLI: I could hear Hal  
17      Yeager. Keith McGregor I haven't heard from.  
18      Keith can you hear me?

19              MR. MCGREGOR: Yes I can barely hear you  
20      but yes I can.

21              HEARING OFFICER CELLI: Okay. Thank  
22      you. And then I have, who else is online?

23              MR. YEAGER: This is Hal. I can hear  
24      the other participants very loudly but you very  
25      softly.

1                   HEARING OFFICER CELLI: Okay. Is that  
2                   better if I speak right into the mic like that.

3                   MR. YEAGER: That's better, that's  
4                   better (loud feedback - laughter).

5                   MR. BONTA: Ken you want to have Kelley  
6                   give me a call or check her email.

7                   HEARING OFFICER CELLI: Okay, she just  
8                   stepped out of the room, Steve. But I'm going to  
9                   mute, what I'm going to do is I'm going to put you  
10                  all on mute again. I'm going to say a few things  
11                  and then I'm going to unmute to hear whether you  
12                  can hear me or not.

13                  MR. BONTA: Basically, Ken, just mute  
14                  everybody except call-in user line because that's  
15                  you. You can tell I'm flashing.

16                  HEARING OFFICER CELLI: Okay, so --

17                  MR. BONTA: So you can just individually  
18                  select all the other IDs with the phone and mute  
19                  them. Just make sure to keep call-in user one  
20                  unmuted.

21                  HEARING OFFICER CELLI: I got you. Okay  
22                  I just muted Keith. I'm muting Hal. There's  
23                  call-in user five I'm muting. I just muted that  
24                  person. Can you hear me now Steve?

25                  MR. BONTA: Yes I can still hear you.

1 HEARING OFFICER CELLI: Okay. And I  
2 don't know who this person is. Angad, are you  
3 there?

4 MR. ANGAD: Yes I'm here.

5 HEARING OFFICER CELLI: Okay.

6 MR. ANGAD: I'm call-in user five.

7 HEARING OFFICER CELLI: I'm going to  
8 mute that person too. Okay I just lost, there we  
9 go. The ability to mute somebody. Okay, so we're  
10 ready to proceed.

11 MR. BONTA: Yes. Ken for any of the  
12 folks online, if you have to you can always mute  
13 your physical phone too.

14 HEARING OFFICER CELLI: Okay, excellent.  
15 Now what I'm going to do Steve is I'm going to,  
16 I'm going to mute you. But I'm going to ask that  
17 you hang in there with me and send me a chat if  
18 you need to. Okay?

19 MR. BONTA: Okay.

20 HEARING OFFICER CELLI: Great.

21 I'm sorry Loreen. I think we've got it  
22 covered now.

23 MS. MCMAHON: No problem. Let me  
24 restart by welcoming you all here. I represent  
25 the Public Advisor's Office. And the part of the

1 presentation that I'm going to give is most  
2 specific to you in that I want to make sure that  
3 everybody understands how important public  
4 involvement is to our process and that you  
5 understand the ways that my office can help and  
6 the ways that you can continue to get information  
7 and give comments.

8 So the primary purpose of our office is  
9 that it's established as a separate office to help  
10 the public understand the process, to make  
11 recommendations on the way you can get involved  
12 and to assist in your involvement being  
13 successful.

14 Our office is independent from the staff  
15 and all the other parties. So it is a different  
16 process in making sure that, even though we're all  
17 Energy Commission staff, we all have our  
18 individual roles to make sure that everything is  
19 fair to the public.

20 HEARING OFFICER CELLI: Excuse me. One  
21 more thing Loreen. I need you to speak right into  
22 that mic straight on because I'm getting notes  
23 that say it's very hard to hear you.

24 MS. MCMAHON: Okay.

25 HEARING OFFICER CELLI: Thank you. Very

1 close, right on it.

2 MS. MCMAHON: Okay. And I have, my  
3 presentation (loud feedback) oh, that's the  
4 problem.

5 HEARING OFFICER CELLI: Well --

6 MS. MCMAHON: My presentation is in the  
7 back. It has all of the contact information on it  
8 for reaching me. And hopefully you'll grab one of  
9 those.

10 I also have a brochure that explains the  
11 role of the Public Advisor in this process and  
12 again has contact information for you to make sure  
13 you can reach me.

14 Okay, next slide. On the outreach that  
15 we've done in order to make sure that the public  
16 is well informed of the process, a lot of  
17 different offices in the Energy Commission perform  
18 separate outreach.

19 Our office particularly has contacted  
20 the city and county officials that I have listed  
21 up here.

22 We do our own research in our office.  
23 We look for, well any, of course, interested  
24 parties that contact us we put on our mailing  
25 list.



1                   But we also reach out into the community  
2                   and contact community organizations, local  
3                   schools, local community groups.

4                   We do primarily Internet research and  
5                   contacts within the public that give us other  
6                   ideas on who to put on our mailing list.

7                   Our outreach also goes on into, we pay  
8                   advertisements. We've done it in Spanish and  
9                   English.

10                  We do requests for public service  
11                  announcements to local (loud feedback) sorry. We  
12                  do public service announcement outreach trying to  
13                  get local websites to post information about this  
14                  hearing.

15                  And we also contacted local TV and radio  
16                  stations.

17                  Okay, next slide. Okay, when we first  
18                  receive the Application for Certification from the  
19                  applicant, first notification to the public is  
20                  done by our Siting Division.

21                  They identify the residents within 1,000  
22                  feet of the project and 500 feet of all the  
23                  linears and they notify them of the pending  
24                  project.

25                  They send copies of the AFC to local

1 libraries. I have a list of those libraries  
2 coming later. And local agencies are also  
3 provided copies of the AFC on CDs.

4 Our noticing continues by the Hearing  
5 Office. They (loud feedback). It's a Catch 22.

6 HEARING OFFICER CELLI: I know.

7 MS. MCMAHON: Trying to talk close and  
8 not close.

9 HEARING OFFICER CELLI: You're just  
10 going to have to find a balance. I'm sorry about  
11 that.

12 MS. MCMAHON: -- they have, they use the  
13 same mailing list that the Siting Division uses to  
14 notify the residents, libraries and agencies.

15 They also begin the proof of service  
16 list which is the official list. They notify  
17 those and also the lists are that has been  
18 initiated for this particular project is used for  
19 those notifications.

20 And if you haven't already signed up to  
21 receive that information you can sign up at the  
22 back and I'll assist you or I'll have the address  
23 for doing that later on in this presentation.

24 And next slide. Then our Executive  
25 Director also sends letters out to your local

1       elected officials.

2               And our Media Office sent press releases  
3       to these local media office.  Next slide.

4               Okay, at the Commission where can you  
5       get information?  We have sources where the  
6       information are, can be found and tools to assist  
7       you in obtaining information.

8               Our website is our most, the best way to  
9       get information.  We're posting everything.  You  
10      get the notices and the announcements of all the  
11      proceedings.

12              You get the documents and the reports.  
13      We're posting those online and there's a complete  
14      docket log that you can also look through.

15              The Energy Commission library located in  
16      Sacramento also has information available for you.  
17      And if there's anything that you see that isn't  
18      readily available you can contact our dockets  
19      email and try to get, not try, and talk to them  
20      about getting access to those documents.

21              In order to assist you in knowing what  
22      information is available and the tools we have are  
23      the list server and you can go, this is the  
24      address for general list server there.

25              And you can go on there and sign up to

1 get more information on this specific project. Or  
2 again like I mentioned you can sign up in the back  
3 and I can assist you.

4 We have a mailing list for that same  
5 purpose (loud feedback) --

6 HEARING OFFICER CELLI: Sorry about  
7 that.

8 MS. MCMAHON: -- Okay, and then again,  
9 anytime that you'd like to call my office for  
10 assistance please feel free to do so.

11 Okay, in your community copies of the  
12 AFC have been sent to these libraries. And then  
13 electronic access, you have computers or through  
14 the library you can also access the documents.

15 Next slide. So this process has two  
16 types of participation, what we call informal  
17 participation and formal participation.

18 Informal is, you just provide your  
19 comments to us. They're considered by the  
20 Commissioners and they become part of the record  
21 but they are not considered evidence.

22 That refers to what Mr. Celli referred  
23 to earlier about whether or not it's formal  
24 comments or whether it's just comments.

25 So anyway, making your voice heard is

1 very easy in our process. You can make verbal  
2 comments at any hearings that we have, this one or  
3 workshops or you can write your written comments  
4 to the Commission or send them via email. Just  
5 make sure that if you email you include your name  
6 and your contact information and you identify this  
7 project by docket number.

8 And to become a formal intervenor which  
9 has already been mentioned to you anyone who wants  
10 to become a formal intervenor can become one. You  
11 don't have to be an attorney to be an intervenor.  
12 But you do have to file a petition.

13 And the petition is online. My office  
14 can assist with that as well. Once you file the  
15 petition with the Committee they will approve or  
16 deny the petition. And they'll inform you in  
17 writing shortly after, within 30 days.

18 So if you want to formally participate  
19 you have to fill out the forms. And again, my  
20 office can assist with that.

21 But it's important to note also as Mr.  
22 Celli mentioned that it's a good idea to put that  
23 application in as soon as possible so that you  
24 don't miss any participation opportunities that  
25 you might be interested in.

1                   Next. So to become an intervenor it is  
2                   also important to know that there is rights and  
3                   responsibilities that go along with being an  
4                   intervenor.

5                   You receive all the filings in the case  
6                   and all the notices and hearings and workshops  
7                   that are distributed via the proof of service list  
8                   you get directly.

9                   You are allowed to participate by filing  
10                  your own documents but you also have to serve them  
11                  on all parties.

12                 Our process does not provide for  
13                 reimbursement for any of that. You can present  
14                 evidence and you can present witnesses and if you  
15                 present witnesses you have to also make sure that  
16                 they're available for the other parties in the  
17                 proceeding to cross examine.

18                 Next slide. So the long and the short  
19                 of the things to keep in mind are, you should sign  
20                 up to receive more information, you should submit  
21                 written comments if you have information or  
22                 opinions or concerns that you want to make known  
23                 to the Committee and the staff. And we encourage  
24                 you to attend the publicly noticed meetings.

25                 And if you have any further questions

1       you can catch me in the back. Thank you.

2               HEARING OFFICER CELLI: Thank you. Am I  
3       still on the air? Thank you very much,  
4       Ms. McMahon. I appreciate your putting up with  
5       all of these technical difficulties.

6               We are trying out, this is really a  
7       public service. What we're trying to do is reach  
8       out and allow as many people as possible to  
9       participate in this informational hearing.

10              And what we're trying to do is allow  
11      people to appear by telephone instead of having to  
12      show up in person.

13              We will work out these kinks I'm sure as  
14      we evolve with this process but this is day one on  
15      this one. And so it's a little complicated and  
16      so, again, my apologies for whatever difficulties  
17      we're experiencing.

18              At this point ladies and gentlemen we're  
19      going to hear from Mariposa Energy, LLC. They're  
20      going to describe their proposed project and  
21      explain their plans for developing the project  
22      site.

23              And so, Paula if you're ready to go,  
24      please.

25              MS. ZAGRECKI: Yeah, how do we get back

1 to --

2 HEARING OFFICER CELLI: Oh, are we not  
3 on. Oh, thank you. You can't get in?

4 MS. ZAGRECKI: I can't get out now.

5 HEARING OFFICER CELLI: Okay let me do  
6 this. No, you're still the presenter.

7 MS. ZAGRECKI: Oh.

8 HEARING OFFICER CELLI: Here you go.

9 Well while Paula is getting set up I just want to  
10 mention to everyone that in the back where Loreen  
11 McMahon is standing she's holding these blue cards  
12 up.

13 If you want to make a statement today at  
14 the public comment period we will need you to fill  
15 out one of these blue cards and give it to Ms.  
16 McMahon who will bring it up to me and at the end  
17 of these presentations I'm going to call your name  
18 and you can come up and speak.

19 You will be in the transcript. This is  
20 a great opportunity for you to speak to  
21 Commissioner Levin and tell her what your views  
22 are. You're the locals. You know. We want to  
23 hear from you.

24 So if you wouldn't mind please filling  
25 out these blue forms, these little cards and bring



1       them to Ms. McMahon so that we can call upon you  
2       and hear what you have to say. Thank you.

3               Please Paula.

4               MS. ZAGRECKI: All right, thank you  
5       Commissioner Levin, Hearing Officer Celli, the CEC  
6       staff and members of the public. As I mentioned  
7       before my name is Paula Zagrecki. I'm the  
8       Director of Finance for the Diamond Generating  
9       Corporation, the owner and developer of Mariposa  
10      Energy.

11              THE REPORTER: Paula is the microphone  
12      on?

13              MS. ZAGRECKI: Can you hear me? Is that  
14      better? All right. On behalf of my colleagues  
15      here I'd like to thank you for the opportunity to  
16      present to you the Mariposa Energy Project.

17              Next slide. This slide shows what I'll  
18      be covering in my presentation tonight.

19              After giving a brief introduction to  
20      Diamond Generating Corporation I'll describe the  
21      design features of the project, discuss some of  
22      the regulatory history behind the project and how  
23      we got here, discuss DGC's site selection process  
24      and then finally go through a discussion of the  
25      environmental impacts.

1                   Okay, thanks. I'd like to provide you  
2                   with a brief introduction to Diamond Generating  
3                   Corporation who owns Mariposa Energy LLC.

4                   We're a subsidiary of Mitsubishi  
5                   Corporation of Japan. Mitsubishi has been in the  
6                   US power industry since 1989 through DGC and  
7                   through an earlier subsidiary.

8                   At DGC our purchase is very  
9                   conservative. We don't permit or build power  
10                  plants until we have a signed contract in hand for  
11                  the power.

12                  And that is the case for Mariposa. We  
13                  signed a 10 year contract with PG&E earlier this  
14                  year. The power from Mariposa will be sold to  
15                  PG&E not directly to the market.

16                  We also have a build and hold  
17                  philosophy. So we rarely sell anything we buy or  
18                  develop.

19                  As such we believe in being good  
20                  neighbors. After all a power project has a 40  
21                  year life and if we are approved we'll be part of  
22                  this community for a very long time.

23                  To that end and in an effort to be a  
24                  good neighbor and listen to the needs and the  
25                  concerns of the community we've already held a

1       number of public outreach meetings ourselves with  
2       members of the community.

3               And we've held meetings with, and I'm  
4       going to give you the list here, the Alameda  
5       County Planning Department, the Alameda County  
6       Supervisor's Representative, the Tracy Mayor, the  
7       Tracy Fire Chief, San Joaquin County Supervisors,  
8       San Joaquin Valley Air Pollution Control District,  
9       Contra Costa Supervisor's Representatives, Contra  
10      Costa County Airports Departments, Alameda County  
11      Resource Conservation District, Alameda County  
12      Farm Bureau, Alameda and Contra Costa County  
13      Cattlemen's Association, the State of California,  
14      Department of Conservation, the Mountain House  
15      Community Services District staff and their board  
16      and the editorial board of The Tracy Press.

17             DGC is headquartered in California and  
18      we own two power plants in California. So we  
19      understand some of the unique aspects of doing  
20      business in this state.

21             We currently own nine gas-fired power  
22      plants through the United States including the two  
23      peaking plants in California, one in San Diego and  
24      one in Palm Springs.

25             These plants utilize the same technology

1 as the proposed Mariposa Energy Project.

2 DGC's predecessor company developed,  
3 owned and operated gas-fired projects as well as  
4 biomass and geothermal projects.

5 And at DGC we continue to develop other  
6 power projects in the US, both gas-fired and  
7 renewables.

8 Next. We've included this slide to give  
9 you an idea of what the power plant will look like  
10 once it's built.

11 This is a 100 megawatt peaking facility  
12 in San Diego that is also owned by DGC.

13 So it's about half the size of Mariposa,  
14 however, it's design-wise basically the same as  
15 the Mariposa Facility.

16 And to put this view in context it's  
17 about 100 yards long, the plant. And the picture  
18 was taken from about 300 yards away.

19 So now let's turn to a brief overview of  
20 Mariposa's design features.

21 The project is a 194 megawatt peaking  
22 project burning natural gas only, utilizing four  
23 GE LM6000 PC-Sprint combustion turbine generators  
24 and the associated equipment.

25 Given that water is a scarce and

1       valuable resource in this state, Mariposa has  
2       designed a project to minimize its water usage.

3               The project is using inlet air chillers  
4       and an air-cooled condensor rather than  
5       evaporative cooling.

6               Further, process wastewater is being  
7       recycled and reused.

8               The project will utilize best available  
9       control technology in the form of selective  
10       catalytic reduction or SCR for NOx control and an  
11       oxidation catalyst for CO control to minimize air  
12       emissions.

13              Under a contract with PG&E, PG&E can  
14       call on us to operate up to 4,000 hours per year  
15       and to have up to 300 starts and stops per year.

16              We therefore have used these values in  
17       our permit application to the Air District.

18       However peaking plants in California have  
19       historically operated fewer than 600 hours per  
20       year. And so we expect we'll probably be about  
21       600 hours per year operation.

22              Mariposa has been sited to minimize the  
23       length of our various laterals.

24              The .7 mile, 230-kV transmission line  
25       will interconnect the plant with PG&E's system at

1 the Kelso Substation which is directly across the  
2 road from the Mariposa property.

3 The project will tap into PG&E's gas  
4 line 2 which runs across the Mariposa property.  
5 This new gas tie-in is only 580 feet long.

6 And the project will construct a 1.8  
7 mile water supply line from Byron Bethany  
8 Irrigation District.

9 So by minimizing the length of these  
10 laterals we can minimize the environmental impacts  
11 of those design features on the project.

12 Okay I'd like now turn to the regulatory  
13 history that led to this project. The CPUC based  
14 on a CEC forecast established that peaking  
15 resources are needed in this region.

16 On the slide I explain some of the  
17 reasons that the peaking power is needed.

18 First it's needed to support the  
19 installation of intermittent renewable resources  
20 such as wind and solar.

21 As wind can die down suddenly and the  
22 energy from the wind farm can drop off quickly.  
23 However the load doesn't drop off when the wind  
24 does.

25 So a quick-start resource such as

1 Mariposa is necessary to come up quickly and  
2 replace the energy that is lost when the wind dies  
3 down.

4 If the wind starts up again Mariposa can  
5 be shut off. If it doesn't, a combined-cycle  
6 plant which normally takes about two hours to come  
7 to full load can be ramped up and then Mariposa  
8 can be turned down.

9 I want you to note that neither biomass  
10 nor other commercial technologies have this quick  
11 start capability.

12 Biomass plants take about 12 hours to  
13 reach full load from a cold start and therefore  
14 most useful for baseload.

15 And solar and wind can't provide this  
16 quick start capability either as they are not  
17 dispatchable and only run when the sun shines or  
18 the wind blows.

19 So if no other resources are available  
20 to replace this lost energy when the wind dies  
21 down the system can be unstable and that can lead  
22 to blackouts.

23 Peakers are also designed to provide  
24 energy during periods of very high demands such as  
25 noon on a typical July or August weekday.

1                   During these periods all other plants  
2                   are already running. The system still doesn't  
3                   have enough supply to meet the demand. These  
4                   super-peak periods are actually relatively rare.

5                   But because we all expect the lights to  
6                   go on when we flip the switch the utilities are  
7                   required to maintain a reserve margin to ensure  
8                   the reliability of their systems.

9                   Peaking plants such as Mariposa help the  
10                  utilities maintain these reserve margins  
11                  economically and efficiently.

12                  And then finally during system  
13                  emergencies peaking projects can provide energy.

14                  During the fires in San Diego in 2007  
15                  DGC's Larkspur Facility ran around the clock for  
16                  two weeks to provide energy to that region since  
17                  the fires burned down many power lines that bring  
18                  the power from outside the area into San Diego.

19                  So this slide provides some of the  
20                  regulatory background and rationale for the  
21                  Mariposa Energy Project.

22                  In 2003 the CPUC and CEC adopted the  
23                  Energy Action Plan after an extensive regulatory  
24                  process which showed the need for new peaking in  
25                  the region.



1                   In fact the EAP called for immediate  
2                   action to ensure a reliable energy system  
3                   including the immediate need for 300 megawatts of  
4                   peaking capacity in critical areas such as the  
5                   greater bay area and the Vaca-Dixon area.

6                   The investor-owned utilities including  
7                   PG&E were then required to file resource plans to  
8                   implement this EAP.

9                   PG&E's long-term procurement plan  
10                  approved by the PUC in December 2004 added 22  
11                  hundred megawatts of peaking power concurrently  
12                  with items such as energy efficiency, demand-side  
13                  management and renewables.

14                  PG&E's solicitation to implement the  
15                  long-term procurement plan resulted in three power  
16                  purchase agreements with peaking plants which were  
17                  approved by the PUC but these plants have not yet  
18                  been built due to permitting issues.

19                  And a fourth project in PG&E's resource  
20                  plan was withdrawn from consideration.

21                  These plants were contracted to help  
22                  meet that 22 hundred megawatts of peaking power  
23                  needs that PG&E identified. And this need remains  
24                  unmet today.

25                  Then in 2005 the CPUC and the CEC

1       adopted the EAP 2 which reaffirms that even with  
2       the emphasis on energy efficiency, demand-  
3       response, renewable resources and distributed  
4       generation investments in conventional power  
5       plants will be needed.

6               So in 2007 the CPUC approved PG&E's  
7       long-term procurement plan for the period from  
8       2007 to 2016 which calls for the procurement of up  
9       to 12 hundred megawatts of new resources which  
10      included dispatchable, ramping resources that can  
11      be used to adjust for the morning and evening  
12      ramps created by the intermittent types of  
13      renewable resources.

14             PG&E issues a solicitation April of 2008  
15      to obtain these dispatchable and operationally  
16      flexible resources.

17             And DGC bid the Mariposa Energy Project  
18      into this solicitation was short-listed and signed  
19      a contract in March of this year.

20             That 10 year contract is at the PUC for  
21      approval right now. And that approval is expected  
22      in November of 2009.

23             This is a little bit about PG&E's  
24      application. PG&E has asked the PUC to approve  
25      this contract because it meets the needs

1 identified in the Energy Action Plan and in PG&E's  
2 long-term procurement plan.

3 We note that the amount of dispatchable  
4 fossil-fuel generation needed is determined by the  
5 PUC using the CEC's base forecast and in  
6 consultation with CAISO.

7 The CEC is an active participant in  
8 these proceedings. And the CEC forecast  
9 determines the amount of needed gas-fired  
10 generation after considering the addition of  
11 demand-side management and renewables.

12 As a dispatchable and operationally  
13 flexible resource Mariposa is critical. It will  
14 help PG&E meet load variations due to the  
15 intermittent nature of wind and solar resources in  
16 the area and will help to ensure system stability.

17 Given that four of PG&E's long-term RFO  
18 projects representing 1,093 megawatts have been  
19 delayed or terminated PG&E's planning reserve  
20 margins is actually in jeopardy now.

21 Without these projects the 2012 PRM will  
22 drop from 20.6 percent to 16.3 percent which is  
23 below their 17 percent target. And will drop even  
24 further in 2013 to 13.7 percent.

25 Therefore if Mariposa comes on line in

1       2012 as planned it will help improve the planning  
2       reserve margin and move PG&E closer to its target.

3               So now I'd like to turn to DGC's site  
4       selection process to explain our rationale in  
5       selecting our chosen project site.

6               At DGC we first identify electric system  
7       locations within PG&E's service territory that  
8       indicate a need for reinforcement.

9               By siting a plant in these locations we  
10      can minimize system impacts due to interconnecting  
11      new generation.

12              So we look for locations in load pockets  
13      or areas that need local resource capacity. And  
14      we note that we're in the greater bay area load  
15      pocket.

16              And peaking power is also needed in  
17      areas that have an abundance of intermittent  
18      resources. So we look at sites that are within  
19      wind resource areas and again, we're in the  
20      Altamont Pass Wind Resource Area.

21              So after that first cut we then  
22      identified sites that will minimize the laterals  
23      and have appropriate zoning.

24              All of this being equal a site that is  
25      less than a mile from a substation is preferable

1 to one that would require a five mile transmission  
2 line to interconnect.

3 Similarly we look at sites that have  
4 good access to a gas pipeline and to water.

5 And then finally we look at land use  
6 compatibility, the zoning of the parcel and  
7 previous activity on the property.

8 That is, is the site undisturbed or has  
9 there been previous development on that site?

10 So that second review narrows our fields  
11 further. And once we have a few sites that pass  
12 those first two screenings we then look at other  
13 environmental issues.

14 Is the site near wetlands for example.  
15 How far is the closest residence? Can you  
16 mitigate air emissions effectively and cost-  
17 effectively and efficiently? What are the visual  
18 and noise impacts of the site? Will you be able  
19 to see the plant for miles of will terrain provide  
20 shielding?

21 That third screening narrows the choices  
22 even further to a site that we believe is best  
23 suited for this project.

24 As I mentioned, we're looking for sites,  
25 we've focussed on areas within load pockets within

1 PG&E's territories since we were developing this  
2 project to meet a need identified by PG&E in its  
3 long-term request for offers.

4 A load pocket is a transmission  
5 constrained, concentrated area of higher demand.  
6 It's usually centered around urban or more densely  
7 populated areas.

8 And as you can see there are a number of  
9 load pockets in PG&E's territory including the  
10 greater bay area.

11 We also looked at sites in the Fresno,  
12 Sierra and Stockton load pockets before choosing  
13 our preferred site.

14 So our site is located within the  
15 greater bay area load pocket and the Altamont Pass  
16 Wind Resource Area. And it has the ability to  
17 supply power to the Tesla Substation to the south  
18 and the Contra Costa Substation to the north.

19 So the property we chose best made all  
20 of our screening criteria, within the load pocket,  
21 within the Altamont Pass Wind Resource Area and we  
22 believe we're siting the power plant where it's  
23 most needed.

24 Second, the site is well located in  
25 terms of laterals. It's got less than a mile of

1 transmission line, about a tenth of a mile of gas  
2 pipeline and only 1.8 miles of water pipelines  
3 needed.

4 We looked at a few other properties in  
5 the area but found that siting Mariposa on our  
6 chosen site would result in the fewest  
7 environmental impacts.

8 The site is free of contamination and  
9 has few significant biological habitats or species  
10 of concern.

11 And there are no significant cultural or  
12 paleontological resources on this site.

13 The site as you saw on the site visit  
14 has natural shielding since we're siting the power  
15 plant in a valley between two hills.

16 So that will shield the plant from view  
17 and will minimize the noise from the plant.

18 And the site is already disturbed.  
19 There's an operation cogen facility on the  
20 property. There was previous wind farm  
21 development activity on this site.

22 And as we mentioned on the site tour the  
23 wind developer found the site to be marginal for  
24 wind and removed the wind turbines.

25 Finally we believe the siting of the

1 power plant on this property is consistent with  
2 the existing water and utility infrastructure in  
3 the area.

4 The PG&E Kelso Substation and compressor  
5 station are just across the street.

6 The Delta Pumping Station is down the  
7 road.

8 The Modesto Irrigation District  
9 Substation that serves the Mountain House  
10 community is down Kelso Road to the east.

11 There are numerous 500 kV and 230 kV  
12 power lines running through the area.

13 There are various wind farms in the  
14 vicinity and two high-pressure gas lines run  
15 through our property.

16 So this slide shows the extensive power  
17 and gas infrastructure that already exist in the  
18 region.

19 On this slide blue lines are 500 kV  
20 lines, red are 69 kV lines and yellow are 230 kV.

21 And you can see our plans is in the  
22 white box next to the red and yellow lines on the  
23 left of the slide and there's an arrow pointing to  
24 it.

25 You can also see the location of the



1       Byron Airport at the top of the map.

2               One thing we'd like to note with regard  
3       to the airport is that the height of our project  
4       and the height of the power line interconnecting  
5       Mariposa with PG&E's system are all below the  
6       heights of the existing power infrastructure in  
7       the region.

8               And finally, the largest, excuse me, the  
9       nearest large residential community, the Mountain  
10      House community which is 2.3 miles from our site  
11      is shown as the shaded yellow area.

12              So this slide shows the specific site  
13      location of the Mariposa Energy Project southeast  
14      of the intersection of Kelso and Bruns Road.

15              This should help to put into context  
16      some of the stops we took on our site tour  
17      earlier.

18              So we are not at BBID's headquarters at  
19      the top of the map in the middle. The Mariposa  
20      site is at the bottom of the slide in the center.  
21      Just northeast of our site is the existing Byron  
22      Cogen Facility within the same parcel.

23              The PG&E compressor and substation are  
24      just across the road to the north.

25              The Delta Pumping Plant is on the left

1 part of the slide.

2 I also showed our proposed water  
3 pipeline route which is in blue.

4 The transmission line route which is in  
5 red and then the natural gas pipeline on the site.

6 This map shows you where each of our key  
7 observation points is located compared to the  
8 Mariposa site.

9 These key observation points were  
10 determined in consultation with the CEC staff.

11 The nearest key observation point or KOP  
12 is .3 miles from the site. The furthest is 2.3  
13 miles from the site.

14 And the next 10 slides show each of  
15 these KOPs as they are currently and then place  
16 the Mariposa Energy Project in that same view so  
17 you can see the visual representation of the  
18 project at each of these key observation points.

19 So here's, excuse me, key observation  
20 point one. It's on the same parcel just northwest  
21 of the access road.

22 This KOP is approximately .3 miles from  
23 the site. And this would be the view to the  
24 southeast towards the project site from the  
25 southbound lane of Bruns Road, south of the

1 intersection of Bruns and Kelso.

2 As you can see the Byron Cogen Plant is  
3 visible in the left portion of the view, north of  
4 the proposed project site.

5 You can also see high voltage power  
6 lines on the site.

7 So this is the view from KOP 1 from with  
8 the project. The arrow is pointing at the  
9 simulated power plant.

10 Okay next. This is KOP 2. This is the  
11 view looking southwest towards the project site  
12 from the westbound lane of Kelso Road.

13 There's a cluster of residences closest  
14 to the project site that's located approximately  
15 one-tenth of a mile to the southeast of this  
16 viewpoint.

17 You can again see various power lines  
18 and you can see wind turbines in the background.

19 This view is about one-half mile from  
20 the site.

21 So here's a simulated view of Mariposa  
22 from KOP 2. I've added the arrow on the slide to  
23 help you locate the plant because it's kind of  
24 hard to see.

25 The tops of the stacks, excuse me, the

1       tops of stacks of the plant are barely visible in  
2       the distance against the hillside to the left.

3               Here's KOP 3. This is the view looking  
4       northeast towards the project site from the  
5       California Aqueduct Bikeway which runs along the  
6       northern edge of the Bethany Reservoir.

7               The Byron Cogen Facility is visible in  
8       the center and the Clifton Court Forebay is  
9       visible beyond the project site to the north.

10              This view is about two-thirds of a mile  
11       from the site.

12              And here's KOP 3 with Mariposa included  
13       and again, the arrow points to the plant.

14              Here's KOP 4. This is a view you'd see  
15       looking to the west from Mountain House Road which  
16       is approximately one-fifth of a mile north of  
17       Mountain House School.

18              And the roof of the Byron Cogen Facility  
19       is visible near the center of the view. And this  
20       view is about 1.3 miles from the site.

21              And here's KOP 4 after Mariposa is  
22       built. And I've added an arrow so you can see the  
23       plant. And the four stacks are barely visible in  
24       the middle of the slide.

25              And finally last but not least, this is

1 KOP 5. It's the view you'd see looking to the  
2 west from the intersection of North Great Valley  
3 Parkway and West Rialto Ranch Drive, which is  
4 within the Mountain House community. This view is  
5 2.3 miles from the site.

6 And again, here is KOP 5 after Mariposa  
7 is built. And the four stacks are again barely  
8 visible in the middle of the slide. And again you  
9 can see the arrow added for your reference.

10 So now I'd like to turn to the  
11 environmental analysis of the Mariposa Project.  
12 Due to careful siting the Mariposa Energy Project  
13 will have no significant, unmitigated  
14 environmental impacts.

15 The project is located away from  
16 sensitive receptors and is shielded from views and  
17 noise by being sited between two hills.

18 The site is 26 hundred feet from the  
19 closest residence and 2.3 miles from the largest,  
20 near, largest residential community in the area,  
21 Mountain House community.

22 We've minimized our water usage by  
23 utilizing inlet air chillers and air-cooled  
24 condensers. So we've reduced our expected annual  
25 water usage down to about the usage of 35 homes.

1                   The project has been designed as a zero  
2           liquid discharge facility. Wastewater and process  
3           area storm water runoff will be treated on site  
4           and then recycled or hauled away.

5                   We've minimized land use impacts by  
6           siting the project on non-irrigated grazing land  
7           which has already been disturbed with an existing  
8           cogen plant, three high-voltage power lines, two  
9           natural-gas lines and previous wind farm  
10          development.

11                  Finally we will provide a year round  
12          water supply for the cattle and we'll reseed the  
13          construction lay down area, parking area with a  
14          higher quality feed grasses.

15                  These enhancements will increase the  
16          productivity of that remaining 146 acres of  
17          grazing lands and after all these enhancements the  
18          site will be able to sustain the same number of  
19          cattle even though we're taking 10 acres out of  
20          cow grazing.

21                  The project will only use clean burning  
22          natural gas to fuel the turbines.

23                  We'll then use best available control  
24          technology to reduce air emissions of pollutants  
25          to minimal levels.

1                   Any remaining emissions will be fully  
2           mitigated with both the Bay Area Air Quality  
3           Management District and the San Joaquin Valley Air  
4           Pollution Control District.

5                   Even though we are in Alameda County and  
6           therefore within the Bay Area Air Quality  
7           Management District we are also working with San  
8           Joaquin to mitigate impacts due to the close  
9           proximity to that jurisdiction.

10                   We've minimized hazardous use and  
11           storage. We'll not be using anhydrous ammonia for  
12           either emissions control or for cooling.

13                   Instead we'll use 19 percent aqueous  
14           ammonia for emissions control. Aqueous ammonia is  
15           a few times the strength of typical household  
16           cleaners while anhydrous ammonia is pure ammonia.

17                   We're also using R134A as the air cooled  
18           condensor refrigerant rather than anhydrous  
19           ammonia.

20                   These two changes increase the capital  
21           and operating costs of the plant but they minimize  
22           the potential for release of hazardous materials  
23           from the site.

24                   With only eight full time employees  
25           Mariposa will have no significant impacts on local

1       housing, education or emergency response.

2               The project will also have its own  
3       onsite fire protection.

4               And since the project is not providing  
5       any infrastructure for other commercial,  
6       industrial or residential development it will have  
7       no growth inducing effects.

8               And finally, construction and  
9       operational traffic will be routed away from  
10      residences.

11              The construction period is relatively  
12      brief at only a year. So any traffic destructions  
13      from the construction traffic will be brief.

14              So on the last slides we've shown that  
15      Mariposa Energy will create no significant  
16      unmitigated environmental impacts to the  
17      community.

18              But we also wanted to point out some of  
19      the socioeconomic benefits of this project  
20      especially given the current state of the economy.

21              During construction we expect to make  
22      approximately 12 million of local purchases and  
23      expect a construction payroll of about 16.3  
24      million dollars.

25              It is estimated that 14.7 million of



1       that construction payroll will be spent in this  
2       area.

3               There will be an average of 89 highly  
4       skilled jobs during the construction period with a  
5       peak of 177 construction jobs.

6               These jobs as well as the monies spent  
7       in the community will go towards creating another  
8       229 indirect and induced jobs.

9               During operations local spending will be  
10      about 2.5 million a year annually on payroll,  
11      materials and supplies. And then we'll contribute  
12      another 2.5 million dollars in property taxes.

13              We'll have eight highly skilled jobs  
14      will be created and the local spending during  
15      operations will create another 12 indirect and  
16      induced jobs.

17              All right, well I know this is just a  
18      brief introduction to our project. However my  
19      team and I are here to answer any questions. And  
20      you can either ask us the questions now or people  
21      can feel free to email me.

22              We've also shown on here the links to  
23      the CEC websites the public can download a copy of  
24      the AFC.

25              And finally we have copies of our

1 presentation in the back for people to take with  
2 them. Thank you.

3 PRESIDING MEMBER LEVIN: Ms. Zagrecki I  
4 do have a few questions if you don't mind staying  
5 at the microphone. Can the rest of you hear me?

6 I'll be real close. Can you hear me  
7 now? Can folks on the phone let Ken know if you  
8 can't hear me. All right, we'll keep our fingers  
9 crossed and no high-pitched whistling.

10 HEARING OFFICER CELLI: I just got one  
11 that said, speak up.

12 PRESIDING MEMBER LEVIN: All right.  
13 I'll try to be loud. First off I want to thank  
14 you for the very detailed presentation and the  
15 simulation of the views. That's very helpful.  
16 And I'm sure for the members of the public as  
17 well.

18 I did also want to thank you in  
19 particular for addressing water use which in this  
20 area in particular is so close to the Delta is a  
21 critical issue right now and as we as a state  
22 spend millions of dollars restoring the San  
23 Joaquin River every drop really is precious. So  
24 thank you for the attention to this issue.

25 I do want to ask you about a couple of

1 the other issues that you raised though.

2 MS. ZAGRECKI: Sure.

3 PRESIDING MEMBER LEVIN: And on a very  
4 minor point, one of my other hats is part of the  
5 Energy Efficiency Committee, it's time to change  
6 your incandescent light bulbs in the one visual to  
7 fluorescent or LEDs or even beyond.

8 MS. ZAGRECKI: Okay.

9 PRESIDING MEMBER LEVIN: Also a 21st  
10 century power plant deserves a 21st century light  
11 bulb. Now seriously my two substantive questions,  
12 you mentioned that one of the purposes of this  
13 plant is to better integrate renewables.

14 And when we were on the site visit you  
15 pointed up to the wind turbines at Altamont. But  
16 I have spent more time at Altamont than I care to  
17 admit. And the power produced at Altamont has been  
18 coming down over time as the turbines are retired  
19 or taken off line.

20 So I'm curious what your expectations is  
21 or where the need arises to integrate renewables  
22 and also in the larger context of the economic  
23 downturn you talked a great deal about PG&E's  
24 long-term procurement plan but that was based on a  
25 RPS which of renewable portfolio standard we're

1 off track on.

2 And with the economic downturn demand  
3 overall has gone down in this area. So I just  
4 want to know how those different things mesh.

5 MS. ZAGRECKI: Okay, well it's our  
6 understanding that a number of those wind turbines  
7 are going to be repowered because the vintage of a  
8 lot of those wind turbines out on the Altamont  
9 Pass is very early and some of them are half  
10 megawatt to one megawatt wind turbines and as you,  
11 I'm sure you know the newer ones are larger, 2.5  
12 megawatts and they also can use a broader spectrum  
13 of the wind regime so lower wind speeds to higher  
14 wind speeds.

15 So there is some repowering going on  
16 there.

17 PRESIDING MEMBER LEVIN: It's our hope  
18 as well that at Altamont it's not going on and  
19 there are no contracts yet to do it.

20 So that's why I'd like to know more  
21 concretely, it doesn't need to be tonight, but if  
22 you can put evidence in the record, specifically  
23 are there contracts, PPAs already with PG&E from  
24 new renewables that require integration into the  
25 system and require a natural gas peaking plant to

1 better integrate them into the system because I  
2 don't think that's currently the situation at  
3 Altamont.

4 It may be elsewhere but that would be  
5 very helpful information to put in the record.

6 MS. ZAGRECKI: And we'll do so. I do  
7 know that PG&E put out a press release today that  
8 they have signed an 830 megawatts of new renewable  
9 contracts that are now going through the PUC  
10 process, the same process that we are almost all  
11 the way through.

12 And those new renewable contracts were  
13 out of the same process, the same RFO that we went  
14 through last year.

15 PRESIDING MEMBER LEVIN: And we are very  
16 excited to see more renewables come on line.  
17 Please don't get me wrong. We hear this now in a  
18 lot of power plants siting cases. That the need  
19 for the plant is based on integration of  
20 renewables.

21 And while we absolutely want to better  
22 integrate renewables we would like to see evidence  
23 if that's what's going on. And so that would be  
24 helpful.

25 And my other question is on wildlife

1 issues. Because Altamont Pass, this whole area is  
2 host to so many different sensitive and endangered  
3 species I would like to hear more about the  
4 studies that have been done, particularly the  
5 unidentified fairy shrimp species and where you  
6 are in your conversations with the Department of  
7 Fish and Game, whether you have consulted US Fish  
8 and Wildlife Service or not.

9 And what your expectation is about their  
10 processes and the time line that they are on.  
11 Whether they will be able to provide the input  
12 needed for us to meet our 12 month time line.

13 MS. ZAGRECKI: Sure. I'm going to  
14 actually ask Doug Urry from CH2MHill to come up  
15 and respond to that question.

16 PRESIDING MEMBER LEVIN: Thank you.

17 HEARING OFFICER CELLI: Thank you Ms.

18 Zagrecki. I wanted to thank you for doing a great  
19 job of speaking right into the microphone. And  
20 apparently there's an advantage to being on that  
21 microphone because it doesn't have all the  
22 feedback that the other ones do.

23 So if you would follow suit, I'd  
24 appreciate it Mr. Urry.

25 MR. URRY: Doug Urry with CH2MHill.

1                   HEARING OFFICER CELLI:  You've got to go  
2                   right into that mic, speak right into it.

3                   MR. URRY:  Okay, how's that?  A little  
4                   bit better?

5                   HEARING OFFICER CELLI:  Exactly, that's  
6                   where you want to be.

7                   MR. URRY:  ESR, it is a biological  
8                   sensitive area.  As Paula mentioned we've, Diamond  
9                   Generating has sited the project trying to  
10                  minimize impacts to biological resources in the  
11                  area.

12                  The process that we're going through,  
13                  there will be as you mentioned other agencies that  
14                  we're coordinating with.

15                  We have performed a wetlands, as a first  
16                  step we have performed a wetlands, a preliminary  
17                  wetlands determination that we have submitted to  
18                  the Energy Commission as part of the adequacy and  
19                  have recently submitted to the Army Corps of  
20                  Engineers requesting a confirmation of the  
21                  jurisdictional wetlands that will be impacted by  
22                  the project.

23                  Part of that process will also trigger  
24                  consultation with the Fish and Wildlife Service.

25                  We're beginning the preparation of

1 biological assessment that will be in support of  
2 that process for the Army Corps to provide to the  
3 Fish and Wildlife Service through the formal  
4 consultation to develop, you know, appropriate  
5 mitigation and work through that process.

6 As far as the timing, right now we  
7 expect that we'll be meeting with the Army Corps  
8 over the next month or two on the site once  
9 they've been able to review our report based on  
10 our discussions with them last week.

11 And then we'd follow suit with the  
12 formal consultation process with Fish and Wildlife  
13 Service.

14 And we're really pushing once we get  
15 further along with the development of the  
16 biological assessment to engage in a  
17 preconsultation meetings with Fish and Wildlife  
18 Service to begin that discussion, make sure we're  
19 all headed down the same path.

20 PRESIDING MEMBER LEVIN: Okay, thank you  
21 very much. I ask because the Wildlife Agency is  
22 both state and federal. Am I on? Okay. The  
23 Wildlife Agencies are really backed up right now  
24 given all the different power plant proposals  
25 before them.



1                   So the sooner you can engage with them  
2           the better. It will help them to try to stay on  
3           schedule.

4                   HEARING OFFICER CELLI: Thank you.

5                   PRESIDING MEMBER LEVIN: Kristy do you  
6           have any questions from Commissioner Byron's  
7           Office? Okay.

8                   HEARING OFFICER CELLI: Thank you  
9           Commissioner. I'm going to ask that everyone hold  
10          your question and what we'll do is I'm going to  
11          combine the questions and the public comment  
12          period at the same time at the end after we've  
13          heard from all the speakers.

14                  So I think that will run it a little  
15          more efficiently. Telephone people I see that  
16          you're still here. Thank you for hanging in  
17          there.

18                  I have a lot of feedback from you and  
19          I'm responding. The intention will be is that I'm  
20          going to take the phone calls first before the  
21          people who are actually in the room so that we can  
22          take care of you when we get to the public comment  
23          period.

24                  Right now the Commission staff will  
25          provide and overview of the Commission's licensing

1 process and its role in reviewing the proposed  
2 Mariposa Energy Project.

3 After that we will discuss the issues in  
4 the Issues Identification Report. We will discuss  
5 scheduling and upon completion of these  
6 presentations we will invite interested agencies  
7 and members of the public to comment and ask  
8 questions.

9 So with that, please staff.

10 MR. HOFFMAN: I think this mic was  
11 successful so why don't we. Is this close enough?

12 HEARING OFFICER CELLI: That's great.  
13 Craig you need to be right on it.

14 MR. HOFFMAN: Okay.

15 HEARING OFFICER CELLI: Thank you.

16 MR. HOFFMAN: All right. Again, my name  
17 is Craig Hoffman. I'm the Commission's Project  
18 Manager for the Mariposa Energy Project. My job  
19 is to facilitate the Energy Project through the  
20 Energy Commission's licensing process and this is  
21 an overview of that process.

22 Again, the Energy Commission has the  
23 permitting authority in California for thermal  
24 power plants over 50 megawatts and greater.

25 This authority extends, oh, sorry, this

1 authority extends to related facilities including  
2 electric transmission lines, water supply  
3 pipelines, natural gas pipelines, access roads and  
4 the Commission is also required to review the  
5 project for potential environmental impacts  
6 consistent with the California Environmental  
7 Quality Act. Next slide please.

8 Within the licensing process there are  
9 three phases. In data adequacy (loud feedback) --

10 HEARING OFFICER CELLI: Craig if you  
11 would try to move it so it's pointing right at  
12 your mouth.

13 MR. HOFFMAN: Okay.

14 HEARING OFFICER CELLI: Then also,  
15 that's where you --

16 MR. HOFFMAN: All right.

17 HEARING OFFICER CELLI: -- want to be.

18 MR. HOFFMAN: Got to eat this.

19 HEARING OFFICER CELLI: Exactly.

20 MR. HOFFMAN: All right (laughter).

21 Within data adequacy we're looking for minimum  
22 requirements to accept the application as  
23 complete.

24 That has just taken place. And staff is  
25 now working in the Staff Discovery and Analysis

1 Phase.

2 During this phase activities take place  
3 to help staff acquire required information.

4 We issue an Issues Identification  
5 Report. We make data requests of the applicant.

6 We include a public workshops where the  
7 public intervenors as well as agency can provide  
8 comments. And based upon that information, those  
9 workshops, the data request, we prepare a  
10 Preliminary and Final Staff Assessment.

11 Once those two environmental documents  
12 are complete we then move on to Evidentiary  
13 Hearings in which testimony from all participants  
14 is included in the process.

15 The Committee will produce a Presiding  
16 Members Proposed Decision or PMD which is a  
17 recommendation on the proposed project.

18 The PMD will go before the full  
19 Commission and a final decision on permitting the  
20 project will come from the full Commission.

21 Next slide please. This gives a visual  
22 of the discovery and analysis process in which  
23 information from the applicant, the intervenors,  
24 the public as well as local agencies are used by  
25 staff to prepare the documents that we need.

1           The Public Advisors Office can help  
2       provide assistance to intervenors and the public  
3       on how to participate in this process. And we saw  
4       that presentation earlier.

5           Next slide please. During the Discovery  
6       and Analysis Process staff is examining the  
7       project consistent with the laws, ordinances,  
8       regulations and standards, we call that LORS. We  
9       are conducting independent engineering and  
10      environmental analysis to identify issues,  
11      evaluate alternatives to the project, identify  
12      potential mitigation measures, recommend  
13      conditions of approval.

14           We are also facilitating public and  
15      agency participation in this process.

16           The outcome, again, is the Preliminary  
17      Staff Assessment, a PSA and a Final Staff  
18      Assessment is two environmental documents.

19           Ultimately a recommendation will be made  
20      to the Committee. Next slide please.

21           This again gives a visual of the  
22      Evidentiary Hearing and decision process. This  
23      takes place after the Final Staff Assessment has  
24      been published.

25           During this process the public

1        intervenors, agencies, staff testimony is used and  
2        participates in a committee in the Commission's  
3        ultimate decision.

4                Staff is no longer the center of the  
5        process during this time but continues to provide  
6        input to the Committee as well as the Commission's  
7        Final Decision. Next slide please.

8                During the Evidentiary Hearing and  
9        Decision Process the Committee will accept  
10       testimony from all parties formally involved in  
11       the siting process as well as public comment.

12               At the conclusion of this hearing the  
13       Committee will issue a Presiding Members Proposed  
14       Decision or PMPD.

15               The PMPD contains findings relevant to  
16       the project's environmental, public health and  
17       engineering impacts as well as the project's  
18       compliance with LORS.

19               Some of these recommended conditions,  
20       well actually all the recommended conditions of  
21       the certification recommendation of whether or not  
22       to approve the project are included in these  
23       documents.

24               The PMPD is then used by the full five  
25       member Commission to decide whether or not to

1 grant a license to the proposed project.

2 Next slide please. Staff's analysis and  
3 input to the Committee's Final Decision requires  
4 the staff's input from agencies at the local,  
5 state and federal levels.

6 And staff's participation with these  
7 entities assists us in identifying potential  
8 issues, environmental impacts and appropriate  
9 mitigation measures.

10 And there's a list of some of the  
11 agencies that have been contacted as part of this  
12 project. Next slide please.

13 The Energy Commission's process includes  
14 holding meetings, workshops and making project  
15 information available to those who request it.

16 Workshops and hearings are noticed at  
17 least 10 days in advance of those hearings and the  
18 date that the event takes place.

19 The staff maintains the project mailing  
20 list. If you would like to receive project  
21 information and notices that we send out you can  
22 ask to be placed on the list by checking the box  
23 at the sign-in sheet. It is available at the  
24 front table.

25 You can also sign up to be on the

1 Commission's list server and to receive email  
2 notification online as well. Next slide please.

3 Copies of the project application are  
4 available at the following libraries as well as on  
5 the Commission's website.

6 This website lists the dockets that have  
7 been filed and docketed in this siting case. And  
8 you may also contact our docket unit about  
9 document availability. Next slide please.

10 Here's a list of the project contacts.  
11 Again, you have the individual committee that is  
12 presiding over this case. You also have the  
13 Energy Commission's staff. And staff also  
14 includes technical staff and over 20 different  
15 individual specialties as well as Mariposa Energy  
16 Project Applicant.

17 Next slide please. For the Issues  
18 Identification Report staff developed a report and  
19 this report was docketed and issued on October  
20 21st.

21 And the purpose of this report was to  
22 inform the applicant of any significant impacts  
23 that may be difficult to mitigate, potential non-  
24 compliance with any laws or regulations, potential  
25 conflicts between parties that can delay the



1 schedule.

2 Based upon staff's preliminary review we  
3 identified two potential issues those related to  
4 air quality and those related to biological  
5 resources. Next slide please.

6 In regard to air quality, a complete  
7 package for our proposed mitigation has not been  
8 yet presented by the applicant to staff. We're  
9 looking forward to that information as well as the  
10 Bay Area Air Quality Management District faces  
11 issues that could result in an extended review  
12 period and delays to issuance of a Preliminary and  
13 Final Determination of Compliance that is needed  
14 for this project.

15 Next slide please. As well as  
16 biological resources and the applicant touched on  
17 it a little earlier in which staff is looking for  
18 applications to be submitted for various permits  
19 to state and federal agencies. Some of those have  
20 been submitted just recently.

21 And staff requires a full understanding  
22 of the conditions of approval that would be  
23 required as part of these permits that the state  
24 and federal agencies typically require.

25 But under this process the CEC will

1       issue these permits and we need to understand the  
2       agency commitments and conditions on this. Next  
3       slide please.

4               Staff has prepared a proposed schedule  
5       on this project. Meeting this schedule depends on  
6       timely responses to staff's information requests,  
7       required actions by local, state, federal  
8       agencies, resolution of identified issues.

9               And the Mariposa Project does qualify  
10      for a 12 month licensing process. Next slide  
11      please.

12              Staff did prepare a proposed schedule.  
13      The Committee ultimately will review the schedule  
14      and issue a scheduling order, usually several  
15      weeks after the informational hearing and site  
16      visit which will include official project schedule  
17      and additional instructions or comments.

18              I know that's a lot of information.  
19      There's copies of this presentation at the back of  
20      the room as well. Next slide please.

21              And if the project is ultimately  
22      licensed by the Energy Commission the project  
23      moves into a post-licensing activities with  
24      oversight by the Compliance Project Manager of the  
25      Energy Commission.

1                   Most projects include a number of  
2                   conditions of certification that must be met  
3                   before ground breaking activities take place and  
4                   during construction, operation and decommissioning  
5                   of the project.

6                   It is the responsibility of the  
7                   Compliance Project Manager to provide the  
8                   oversight during the construction and operation.

9                   And that concludes my presentation.  
10                  Again, I realize there's a lot of information  
11                  there and copies are, of this presentation, are  
12                  available at the back of the room.

13                 HEARING OFFICER CELLI: Thank you Mr.  
14                 Hoffman. I'm going to ask all of the parties to  
15                 please docket your power points with dockets. So  
16                 if there is, that's part of the administrative  
17                 record.

18                 Thank you for your presentations.  
19                 Before I open the floor to public comments and  
20                 questions and I want to thank the parties for  
21                 being available to answer questions also as we go  
22                 through the public comment period.

23                 Excuse me I just had a hiccup there.  
24                 There we go. I wanted to ask applicant if you had  
25                 any comments on the schedule as proposed by staff.

1                   MR. WHEATLAND: I'm Gregg Wheatland.  
2                   I'm the attorney for the project. And the  
3                   applicant agrees with the schedule that has been  
4                   proposed by the staff.

5                   HEARING OFFICER CELLI: Thank you. So  
6                   we don't have an issue there. We will put out a  
7                   schedule in the next 15 days, a scheduling order.

8                   But I wanted to give the parties an  
9                   opportunity to comment on the schedule if they  
10                  wanted to. One moment.

11                  Before I take comment from the people on  
12                  the phone I just wanted to say the people in the  
13                  room if you wanted to make a comment I need you to  
14                  fill out one these blue cards that Loreen McMahon  
15                  in the back of the room can give you. So if you  
16                  would please fill them out and give them back to  
17                  Loreen now so she can give them to me.

18                  I would appreciate it. And this way  
19                  you're assuring yourself an opportunity to be  
20                  heard at these proceedings.

21                  With that I just want to say that as a  
22                  function of the webex program that we're using we  
23                  have people who are able to call in but not call  
24                  in and be on the computer at the same time.

25                  And then we have people who are on the

1 computer and are able to call in at the same time.

2 What I'm going to do is call is open the  
3 line to these unidentified callers who are not on  
4 the computer first.

5 So the first person I have is, it says,  
6 call in user 11. I'm not sure who that is but if  
7 you, can you hear me, if you would speak up  
8 please.

9 PRESIDING MEMBER LEVIN: They may not  
10 know who they are.

11 HEARING OFFICER CELLI: Yes. Just,  
12 whoever is on the telephone but not on the  
13 computer, could you just identify yourself. Oh,  
14 well that person just hung up.

15 So with that we have caller in user  
16 number five. Hello, on the telephone. You're on  
17 the air. Call in user number five. I thought it  
18 was, we had a David, Mr. Angad or a David Wiseman  
19 are you on the phone?

20 Okay, well if you are just speak up.

21 Next I have Hal Yeager. Mr. Yeager am I --

22 MR. YEAGER: Yeah, I'm here.

23 HEARING OFFICER CELLI: Oh, good.

24 MR. YEAGER: Yes, I'm here.

25 HEARING OFFICER CELLI: We can hear you

1 fine. Please go ahead.

2 MR. YEAGER: I should say I'm the vice-  
3 chair of the Contra Costa Airport Land Use  
4 Commission and we have this item for hearing at  
5 our meeting in October.

6 There have been a lot of concerns raised  
7 about the plume, the effluent causing turbulence  
8 near the airport and potential for accidents or  
9 aircraft crashing as a result of flying through  
10 the turbulence.

11 I do have a number of questions of both  
12 the applicant and you. How much time are you  
13 willing to give me so I can focus on the most  
14 important.

15 HEARING OFFICER CELLI: Well Mr. Yeager  
16 first of all, thank you for hanging in there with  
17 us. I know it's been a long procedure and  
18 technically challenging.

19 It appears that I only have about five  
20 people who want to comment in the room. So --

21 MR. YEAGER: I'm willing to let them go  
22 before me.

23 HEARING OFFICER CELLI: Actually I was  
24 going to say that I wasn't going to limit your  
25 speaking. I'm glad that you're raising the issue.

1 I understand that the airport is about two and a  
2 half miles away from here.

3 And so it's likely to come up. And so  
4 we would love to hear what you have to say. So  
5 please, you have the floor.

6 MR. YEAGER: Okay, thank you. As I  
7 understand the turbines put out about 800 degrees  
8 fahrenheit steam, mainly steam and carbon dioxide  
9 at 137 kilograms per second.

10 And I did a back, I'm an engineer I  
11 should say. And I did a back of the envelope  
12 calculation and figured out that, you know, with a  
13 10 mile an hour wind that plume could be carried  
14 into the approach to the main runway of the Byron  
15 Airport.

16 The approach line is only a mile away to  
17 the east of the site. And that plume could be,  
18 could raise the temperature by about 20 degrees  
19 fahrenheit or so which does raise a concern that  
20 it would cause, you know, aircraft does depend on  
21 temperature so I think that and the Commission  
22 question is, are you guys willing to model the  
23 plume of this so we can understand what safety  
24 issues we have and what kind of mitigation we can  
25 maybe undertake.

1                   And the next question for staff is, do  
2                   you have any ability to mitigate this after you  
3                   allow it? And can you, perhaps, think ahead on  
4                   making sure that the plant can be designed to put  
5                   in mitigation afterwards if needed.

6                   So those are kind of three questions of  
7                   staff, of the Energy staff.

8                   HEARING OFFICER CELLI: Let's let  
9                   staff --

10                  MR. YEAGER: The question to the  
11                  applicant I had is --

12                  HEARING OFFICER CELLI: Mr. Yeager --

13                  MR. YEAGER: Yes.

14                  HEARING OFFICER CELLI: -- would it be  
15                  appropriate if we let staff answer your question.  
16                  And then you can direct your question to the  
17                  applicant?

18                  MR. YEAGER: Sure.

19                  HEARING OFFICER CELLI: Okay. So I'm  
20                  going to hand over the mic to Mr. Hoffman who is  
21                  going to go the podium and answer your questions.  
22                  Thank you Mr. Hoffman.

23                  MR. HOFFMAN: Sure. Thank you. And Mr.  
24                  Yeager has been in contact with staff as well as  
25                  our technical staff that is reviewing the



1 transportation section, Jim Adams.

2 As far as the modelling, yes will be  
3 undertaking that. We're currently in contract to  
4 have that modelling take place.

5 Depending on what that modelling  
6 identifies, can there be mitigation included,  
7 absolutely.

8 Again I think the first step is to see  
9 what that modelling has to say.

10 And in regard to mitigation after the  
11 fact, I think, depending on what comes out of that  
12 modelling on some of that air velocity it would  
13 find mitigation that would take place at the time.

14 And the Committee as well as the full  
15 Commission would have the ability to review that,  
16 determine whether or not that should be in part of  
17 the project.

18 HEARING OFFICER CELLI: Does that answer  
19 your question Mr. Yeager.

20 MR. YEAGER: The last one is, can you  
21 put conditions now during the design phase to make  
22 mitigation easier afterwards?

23 MR. HOFFMAN: Well until we understand  
24 what the modelling looks like, the modelling is  
25 going to determine what the mitigation and

1 conditions of the proof are on the project.

2 MR. YEAGER: I do want to point out that  
3 the Byron Master Plan for the airport has a wind  
4 rows, we call a wind rows which gives you the  
5 distribution of wind and the percentage of time  
6 over the year for various wind speeds and  
7 directions.

8 And roughly 50 percent of the time the  
9 wind is calm. But about 20 percent of the time  
10 there is about a 10 mile an hour wind on average  
11 that will bring the plume into the approach to the  
12 airport.

13 Okay. I have questions for the  
14 applicant if it's all right.

15 PRESIDING MEMBER LEVIN: Mr. Yeager this  
16 is Commissioner Levin. I shouldn't tread where  
17 I'm not as well qualified as our legal counsel but  
18 I think what you're asking is, what can we do in  
19 addition to mitigation ahead of time.

20 And I think in the project design it's a  
21 requirement of CEQA, the California Environmental  
22 Quality Act first to avoid and minimize impact and  
23 then only to mitigate what can't avoided and  
24 minimized.

25 So I hope that that also addresses your

1 question. But I encourage you if you haven't  
2 already given staff suggestions to avoid and  
3 minimize impacts, any information about how the  
4 airport operates, what hours it operates,  
5 frequency of flights, all that sort of information  
6 will make the modelling much more useful.

7 And any mitigation that is required for  
8 impacts that can't be avoided or minimized.

9 MR. YEAGER: Very well. That's all in  
10 the Airport Master Plan. We can get that to you.  
11 I should say that the Airport Land Use Commission  
12 is chartered with protecting the safety of people  
13 on the ground. I think I did mention that.

14 And if there is an accident and it could  
15 have been prevented we get the political blame for  
16 not preventing the accident.

17 So we do tend to take our job seriously.

18 PRESIDING MEMBER LEVIN: As we  
19 absolutely want you to.

20 MR. YEAGER: And yeah, we want to  
21 protect not only the plant but people on the  
22 ground.

23 Anyway can I have questions to the  
24 applicant?

25 HEARING OFFICER CELLI: Yes, thank you

1 Mr. Yeager. And thank you Mr. Hoffman. Go ahead  
2 Mr. Yeager.

3 MR. YEAGER: As I understand some of  
4 these turbine plants have cogeneration facilities  
5 that are added to them to make use of the waste  
6 heat that's coming out of the effluent. Have you  
7 considered doing that in this case?

8 MS. ZAGRECKI: I'm going to have Bo  
9 Buchynsky our Project Manager discuss that.

10 HEARING OFFICER CELLI: Mr. Buchynsky if  
11 you could stay right on that microphone.

12 MR. BUCHYNSKY: Okay, my name is Bo  
13 Buchynsky with Diamond Generating. We have looked  
14 at that. The issue with cogeneration facility  
15 becomes dispatchability by PG&E, when to run the  
16 plant, when not to run it.

17 And if you have a thermal source that's  
18 using the energy from the waste heat that source  
19 usually wants it continuously yet we're  
20 dispatching up and down maybe running four to five  
21 hundred hours a year. So it becomes difficult to  
22 find a thermal source that would take the heat off  
23 the back end of that gas turbine.

24 MR. YEAGER: Oh, okay. Thank you. I  
25 understand that and I thought for certainly

1       operating only 600 hours a year that's a  
2       reasonable conclusion.

3               I guess my concern is if the number of  
4       hours starts to head up towards 2,000 to 4,000  
5       hours a year then that pretty much almost, 10 a.m.  
6       to 10 p.m. and in that case the cogeneration  
7       becomes, I think, more practical.

8               MR. BUCHYNSKY: Well the other issue  
9       that would come up is actually finding a thermal  
10      host in the area we're located. It's mostly  
11      agricultural grazing land. We'd wind up having to  
12      create some kind of thermal host or identify  
13      somebody that needed thermal energy or put  
14      laterals supplying thermal energy over to a  
15      potential user which would be laterals going two  
16      or three miles or farther with either steam or hot  
17      water or chilled water or something.

18              So there's the environmental impacts of  
19      tearing up a lot of fairly sensitive habitat to  
20      try to get these laterals in.

21              MR. YEAGER: Oh, I'm sorry, when I said  
22      cogeneration I was really thinking of using the  
23      excess heat to generate more electricity.

24              MR. BUCHYNSKY: Well the issue with a  
25      steam turbine is the water usage goes up

1 immediately. You wind up either with dry cooling  
2 or a cooling tower.

3 And you also have a steam cycle which  
4 requires condensate and water treatment, make up  
5 water so the water requirement where right now  
6 we're looking at a typical 35 acre feet for our  
7 expected operation would go up and have impacts.

8 And then also with our combined-cycle  
9 type that's got a steam turbine you have metal  
10 heating temperatures where you've got to heat up  
11 the steam cycle and you can't dispatch the plant  
12 typically to full load in 10 minutes.

13 The gas turbine can come up. The steam  
14 turbine can't and then you have issues as far as,  
15 again, meeting the quick dispatch and flexibility  
16 that PG&E wanted in their RFO.

17 HEARING OFFICER CELLI: Does that answer  
18 your question Mr. Yeager.

19 MR. YEAGER: Okay, very well.

20 HEARING OFFICER CELLI: Did that take  
21 care of the question for you?

22 MR. YEAGER: Yes.

23 HEARING OFFICER CELLI: Very good.

24 MR. YEAGER: I had one last one  
25 question.

1 HEARING OFFICER CELLI: Go ahead.

2 MR. YEAGER: Is it your understanding  
3 that you will have to go to the Alameda County  
4 Board of Supervisors to get a land use permit to  
5 operate this plant in addition to permitting with  
6 the California Energy Commission?

7 MR. BUCHYNSKY: I would let my general  
8 counsel respond to that since I'm not an attorney.  
9 I'm also an engineer.

10 MR. WHEATLAND: This is Gregg Wheatland  
11 and also counsel for the staff may also wish to  
12 comment. But the Energy Commission has preemptive  
13 jurisdiction over local land use agencies for the  
14 purposes of issuing an Application for  
15 Certification.

16 And what that means is that approval by  
17 the Commission is in lieu of any local land use  
18 permits that would be issued by any local agencies  
19 such as the county.

20 So we will not, as an applicant for this  
21 project or other projects licensed by the  
22 Commission, go directly to the Alameda County to  
23 receive a land use permit.

24 On the other hand the county will  
25 comment to the Commission regarding the compliance

1 of this project with Alameda County laws.

2 And the Alameda County comments is part  
3 of the record that will be considered by the  
4 Commission in making a decision on this  
5 application.

6 HEARING OFFICER CELLI: So the idea Mr.  
7 Yeager, this is Ken Celli, is that we're a one-  
8 stop shop. So --

9 MR. YEAGER: Okay, so then you should be  
10 coming to us to get our comments and our and you  
11 have to override, if we either approve or  
12 disapprove the project and then you have to  
13 override it.

14 HEARING OFFICER CELLI: Well, we only  
15 have to override it if you disapprove of it.

16 But essentially what will happen is  
17 staff would probably take your comments and  
18 integrate them into their, what's called a Final  
19 Staff Analysis, which is their testimony.

20 We take the applicant's testimony, we  
21 take staff's testimony and we take intervenor's  
22 testimony and, you may in fact want to be an  
23 intervenor in this process, and we take in all the  
24 evidence and from that we make a decision.

25 MR. YEAGER: Okay, I have one, just one



1 last question of the applicant. And that is, is  
2 it possible to inject cold air into the base of  
3 the stack to cool the hot air? Was that yes?

4 HEARING OFFICER CELLI: I'm going to --

5 MR. YEAGER: Okay, thank you.

6 MR. BUCHYNSKY: Okay, (laughter) yeah  
7 that is something that could be done. We'd have  
8 to deal with the Bay Area Air Quality Management  
9 District to make sure they're comfortable with  
10 that obviously.

11 MR. YEAGER: We would be glad to give  
12 them the political blame should there be any  
13 accidents (laughter) because of the plume, so.

14 HEARING OFFICER CELLI: Mr. Yeager,  
15 thank you very much for your comments. If that's  
16 all I'm going to invite you to stay on but I would  
17 mute you again so we can hear the next telephone  
18 caller. Is that Okay, are you --

19 MR. YEAGER: Very well.

20 HEARING OFFICER CELLI: Thank you sir.  
21 Keith McGregor, are you on the line Mr. McGregor?

22 MR. MCGREGOR: Yes I am. I have no  
23 comments or questions.

24 HEARING OFFICER CELLI: Okay, well thank  
25 you for hanging in there. It's great to have you.

1 I'm going to put you back on the mute button. And  
2 the only other caller we have is, is there a  
3 Mr. Angad, Angad, A-N-G-A-D?

4 Calling in I have a call in user who's  
5 hovering out there. He might have us on hold or  
6 something.

7 With that I think we have hit all of the  
8 telephone callers. Whew. And now I'm going to  
9 take public comment and questions. Mr. Bob  
10 Sarvey. Please make sure that as you speak that  
11 you speak directly into the mic so everyone can  
12 hear you including the callers.

13 Good idea, yeah, get right in there.

14 MR. SARVEY: Thank you very much.

15 HEARING OFFICER CELLI: Thank you.

16 MR. SARVEY: My name is Bob Sarvey. I'm  
17 a local business man. I have a business that is  
18 about five or six miles down the road from here.  
19 I'm a cobbler and I got a little experience with  
20 the Energy Commission.

21 And I have a couple of requests to start  
22 with from members of the audience who don't wish  
23 to speak.

24 But number one we'd like to have the  
25 meetings, if possible, at the Mountain House

1 Community Services District Headquarters.

2 It's just right down the road. It's a  
3 very nice building. No offense to BBID but that  
4 would be a better congregating place for the  
5 community that's going to be most affected by this  
6 project. And that's the Mountain House Community  
7 Services District.

8 And it shouldn't be any problem setting  
9 that up there. They are very interested in the  
10 project.

11 Also the Mountain House School which is  
12 probably the closest sensitive receptors to the  
13 project would like to have a copy of the AFC and  
14 some materials on hand so the people that attend  
15 the school, the parents and students can more  
16 understand the project and how it will affect  
17 their school.

18 So if the Public Advisor could do that  
19 for us we'd really appreciate it.

20 Of my own request, I would like to have  
21 our air quality expert be a CEC staff member and  
22 not a consultant. That may be difficult to  
23 achieve but it's just a request.

24 We feel a lot more comfortable with the  
25 CEC staff. We feel like they're representing us

1 as well as being an independent party. And we'd  
2 like that.

3 So my main concern and air quality is  
4 listed as a potential issue. But the fact is,  
5 this is the third project that's located on the  
6 Alameda County/San Joaquin border.

7 And as such, the pollution blows  
8 predominantly into San Joaquin County, into  
9 Mountain House, Stockton et cetera.

10 But the ERCs are located in the Bay Area  
11 Air Quality Management District. So for our  
12 purposes the project will not be mitigated for air  
13 quality.

14 Now I suspect the San Joaquin Valley Air  
15 Pollution Control District will be intervening in  
16 this project.

17 I've had some discussions with them. I  
18 don't know if they will or not.

19 But that's a major air quality concern  
20 for us. If we're getting the pollution here in  
21 San Joaquin and say the ERCs are from the Hunter's  
22 Point Power Plant in San Francisco where about 90  
23 percent of the ERCs that come from most of these  
24 projects in the bay area, we're not going to get  
25 much help for that.

1                   So we'd like to make sure that that's an  
2           air quality consideration that is thoroughly  
3           analyzed and that mitigation is developed for that  
4           issue. Because it's very important to us.

5                   This is the third project. One was the  
6           11 hundred megawatt East Altamont Project which is  
7           about a mile and a half down the road and then the  
8           Tesla Project which is defunct now but we suspect  
9           it will come back very shortly in another form.

10                   So we're concerned about that. And  
11           there seems to be a propensity because the linears  
12           are here and the land is cheap that this is going  
13           to be a continuing pattern. And we do not want to  
14           be the Contra Costa of San Joaquin County  
15           basically.

16                   We don't want to have our skyline  
17           dominated with power plants. So, I pretty much  
18           could guarantee you just about everybody in San  
19           Joaquin County shares that concern. Although I  
20           shouldn't speak for everybody.

21                   Another issue and it's interesting that  
22           we're here in the BBID boardroom was at the East  
23           Altamont Energy Center I think we set a precedent  
24           where we no longer allowed fresh water to be used  
25           in power plant cooling.

1                   And while I've heard that's there only  
2                   going to be 36 acre feet used here. My reading of  
3                   the AFC says that it could go as high as 136 acre  
4                   feet possibly. I don't know. It could be higher.

5                   But we've got a lot of fallow  
6                   agricultural land around here. And we need that  
7                   water to, you know, it's a billion dollar industry  
8                   here.

9                   And we'd like that to be something  
10                  that's very closely looked at. And we could see  
11                  other benefits coming from using recycled water  
12                  perhaps being piped across the Mountain House  
13                  community and they could tap into that recycled  
14                  water pipeline.

15                 We'd have to weigh the environmental  
16                 issues either way. But that's something that we  
17                 have a concern and an issue.

18                 So I'm just trying to round out some of  
19                 the potential issues that we see. And we have  
20                 some other issues too. But we're not going to be  
21                 adjudicating anything tonight. So I won't get too  
22                 deeply into that.

23                 But I do appreciate you being here. And  
24                 I appreciate your comments and thank you very  
25                 much.

1 HEARING OFFICER CELLI: Thank you very  
2 much, very clear. Next --

3 PRESIDING MEMBER LEVIN: If I could just  
4 ask if staff could respond to the request to have  
5 an AFC at the Mountain House School. Staff are  
6 nodding their heads. So I think that was a yes on  
7 that.

8 And I don't know if the gentleman from  
9 the San Joaquin Area Air Quality Management  
10 District. You're from San Joaquin, right? I'm  
11 sorry I don't remember your name. You had to  
12 spell it for the record earlier, yes.

13 Oh you are from the bay area, okay. Do  
14 you want to address that question. How the issue  
15 would be handled of the ERCs given where the  
16 pollution will end up.

17 I think it would be helpful for the  
18 public to understand how that process works.

19 HEARING OFFICER CELLI: For the record  
20 we're speaking with Madhab Patil and you're going  
21 to need to get that mic down. Perfect, speak  
22 right into it please.

23 MR. PATIL: We haven't identified yet so  
24 we're in the process of identifying all the  
25 pollutions.

1                   PRESIDING MEMBER LEVIN: Is there a  
2 policy more generally that you can speak to when  
3 the air pollution will be directed one way by the  
4 wind but most of the Bay Area Air Quality  
5 Management District is in the other direction.

6                   I mean, how do you handle that then with  
7 ERCs?

8                   MR. PATIL: Maybe my supervisor Bob can  
9 answer that question.

10                  HEARING OFFICER CELLI: Please speak  
11 right into the microphone and identify yourself  
12 please.

13                  MR. NISHIMURA: Yes, my name is Bob  
14 Nishimura, N-I-S-H-I-M-U-R-A. The applicant  
15 hasn't identified their offset emissions. But  
16 basically they can take the offsets any place  
17 within the Bay Area Air Quality Management  
18 District.

19                  HEARING OFFICER CELLI: So what Mr.  
20 Sarvey said is correct that they could come from  
21 out of San Francisco and get credits for a  
22 shutdown there for a power plant here. Is that  
23 correct?

24                  MR. NISHIMURA: That is correct.

25                  HEARING OFFICER CELLI: Okay.



1                   PRESIDING MEMBER LEVIN:   Okay, thank  
2                   you.

3                   MR. NISHIMURA:   Thank you.

4                   HEARING OFFICER CELLI:   Jeremiah , Mr.  
5                   Salamy.

6                   MR. SALAMY:   Salamy --

7                   HEARING OFFICER CELLI:   Salamy.

8                   MR. SALAMY:   Close enough.   Hi, my name  
9                   is Jerry Salamy with CH2MHill.   And I would like  
10                  to address the last question by the Commissioner.

11                  We are in the process of working with  
12                  the San Joaquin Valley Air Pollution Control  
13                  District to identify a mitigation package for the  
14                  project that will be acceptable to them.

15                  When that package has been agreed to by  
16                  the Board it will docketed with the Commission.

17                  PRESIDING MEMBER LEVIN:   Thank you very  
18                  much for that further explanation.

19                  MR. SALAMY:   My pleasure, thank you.

20                  HEARING OFFICER CELLI:   Thank you.   And  
21                  if anyone has come in lately and wants to address  
22                  the Committee please fill out one of these blue  
23                  cards that Ms. McMahon will hand you if you don't  
24                  have one now.

25                  Jeremiah Bodnar, come on up.   Please

1 speak directly right into that mic.

2 MR. BODNAR: Okay. I am a Mountain  
3 House resident as well and I think I share some of  
4 the concerns mentioned by Bob.

5 But maybe it won't hurt to reemphasize  
6 some of those and mention a few others.

7 We're the closest community. We're a  
8 very densely populated community. We're directly  
9 down wind of the proposed plant.

10 And I think we have a feeling generally  
11 as mentioned by Bob that we're unlikely to be  
12 fully represented given that the Bay Area Quality  
13 Management is the one who is going to be in charge  
14 of certifying or permitting this.

15 Even if the proposers are working with  
16 our local air quality board if they don't have  
17 actual power to certify or not certify that I  
18 think there's, we can only expect them to try to  
19 do something.

20 But if they have no power to refuse the  
21 project I'm not sure how legitimate that authority  
22 would be.

23 A couple of other questions. And this  
24 one is actually just out of ignorance really. But  
25 when you showed us the pictures and you showed a

1 couple of Mountain House I noticed that there was  
2 nothing rising, no effluent or anything.

3 What would it look like if the plant was  
4 actually working as opposed to just or would it  
5 look the same I honestly don't know.

6 MR. BUCHYNSKY: This is Bo Buchynsky for  
7 Diamond Generating Mariposa. The project has no  
8 cooling towers. So the only visible plumes would  
9 actually be invisible heat coming out of the  
10 exhaust stacks of the gas turbines.

11 So the visual impact that you see there  
12 outside of being able to show heat risers, that's  
13 about the only thing you could try to do.

14 But there is no visible opacity or  
15 anything that you'd see.

16 MR. BODNAR: That answers my question.  
17 Thanks very much. I had another one. When you  
18 mentioned the proposed number of hours that the  
19 plant would run, is that the number of hours that  
20 you're permitted to run? And if so, what would it  
21 take to, if that is as much as you're permitted,  
22 what would it take to change that if you decided  
23 that PG&E wanted more power.

24 What would you have go through to get  
25 that permitting?

1 MS. ZAGRECKI: Okay, under our contract  
2 they can only call on us for 4,000 hours of  
3 operation in a year. And after that, so if they  
4 chose to run us in the first 4,000 hours of the  
5 year then in July and December they couldn't call  
6 on us ever again until the next year.

7 So for them to change the number of  
8 hours of operation would require a contract change  
9 with us.

10 And it would also require a change with  
11 the CEC. And then it would also require a change  
12 in the Bay Area Air Quality Management District.

13 So it would be a very complicated  
14 process. And we're not looking to do that  
15 actually.

16 MR. BODNAR: Okay. I think that's all  
17 the questions that I have. Like I said our main  
18 concerns are, we're a very local community, very  
19 close, our schools are very close. And we have  
20 concerns about representation.

21 Of course I'm speaking only for me but  
22 others I know as well. Thank you.

23 HEARING OFFICER CELLI: Thank you very  
24 much. And thank you for coming out and  
25 representing your community. This is what these

1 informational hearings are for.

2 And whenever there is any event that  
3 takes place whether it's a pre-hearing conference,  
4 evidentiary hearing, whatever, afterwards it's  
5 always followed by public comment.

6 So you can follow this entire process.  
7 And you can participate in this process. And we  
8 encourage to do that. So thank you.

9 I have James Lamb from Mountain House.  
10 Mr. Lamb come on up and please speak right into  
11 the microphone.

12 MR. LAMB: Hi, my name is James Lamb. I  
13 am a resident out in Mountain House. I happen to  
14 be on the Board of Directors for the Mountain  
15 House Community Services District although they  
16 have not sent me here. So I'm not really  
17 representing them in an official capacity.

18 I just want to speak to the Commission  
19 about what Mountain House is. Mountain house is a  
20 LAFCO recognized community.

21 It's a master planned community that  
22 currently has about 10,000 people, a little bit  
23 more than 3,000 homes.

24 We have a satellite campus from Delta  
25 College. We have two elementary schools and not

1 much else right now.

2 But the plan envisions a build out over  
3 the next 15 to 25 years. At build out we will  
4 have approximately 44,000 people. We'll have 10  
5 elementary schools. We'll have one high school.  
6 We'll still have the satellite campus.

7 And in theory we'll have enough jobs to  
8 accommodate all of the people that live in  
9 Mountain House if the chose.

10 It's been zoned so that the commercial  
11 support, the residential so that it will kind of  
12 equally matched.

13 And probably most importantly that I  
14 want to emphasize of that is the northern part of  
15 Mountain House, that area that is the west side  
16 and north side of Byron Highway is planned for an  
17 age-restricted community.

18 There's going to be about 2,000 homes  
19 situated around a golf course primarily but also  
20 more traditional neighborhoods. That's a 55 and  
21 over community that, more or less, with the  
22 prevailing winds out here, the winds go pretty  
23 much westerly but the way they come out of the  
24 Altamont they veer a little bit north.

25 And that puts that plant directly up

1 wind of that age-restricted community. So I have  
2 concerns about that. I wanted to make sure that  
3 this body is aware of that.

4 I'm concerned that the environmental  
5 impact or the reports that you may have received  
6 might have only reflected Mountain House as it  
7 existed at the time that the report was made and  
8 not necessarily what the full plan is.

9 So I would encourage staff to seek, to  
10 review the master plan and speak with the  
11 developers so they have a full understanding of  
12 what Mountain House will look like in 15 to 20  
13 years.

14 Because this is going to be an ongoing  
15 issue for us. And, you know, it's not just this  
16 plant. I mean of the plants that we'd been  
17 hearing about, this is actually a pretty small  
18 one.

19 But we wanted to make sure that your  
20 group understands exactly what it is that impact  
21 is. I understand that it's a great place for a  
22 power plant if there were no people here. But  
23 there are people here so.

24 And I'm concerned about that. So that  
25 was one thing. Part of the presentation that the

1 Mariposa people made about mitigation is that it  
2 would provide 2.5 million dollars in tax revenue,  
3 property tax revenue.

4 That will predominately go to Alameda  
5 County. That's a pretty good deal for Alameda  
6 County but it doesn't help Mountain House, Tracy,  
7 Ripon all the communities that will be directly  
8 down wind and will be the most impacted by this.

9 As a matter of fact it's ironic that  
10 it's just exactly on the other side of the border  
11 and the winds pretty much go towards us.

12 So when that's brought up as a positive  
13 I don't look at that so positively because the  
14 people who are most impacted aren't going to  
15 benefit from it.

16 They talked about using 35 acre feet of  
17 water. And I know the airport had concerns or  
18 were talking about having active cooling and that  
19 water was an issue.

20 Mountain House is a producer of  
21 reclaimed water. And we're going to have to dump  
22 that into San Joaquin, into the Delta. And that's  
23 going to require us to meet certain environmental  
24 things.

25 It would be very useful to us as a



1 community, assuming this project goes forward,  
2 that some talk of mitigation deals with maybe  
3 taking some of our reclaimed water.

4 As far as I know Bethany Irrigation  
5 District does not produce reclaimed water. So  
6 they would be providing potable water that doesn't  
7 necessarily need to be that way.

8 And then we're talking about  
9 environmental impact with regards to wetlands.  
10 But also the Altamont is a known raptor habitat.

11 And I know with the windmills there was  
12 issues with raptor habitat and the disruptiveness  
13 of those windmills and the generators.

14 I don't know if this is an issue or not.  
15 I'm not an ecologist but I would also want to look  
16 into that to see if that is impacted by these heat  
17 plumes. Again, to maybe do something to knock  
18 those down. And if they can use our reclaimed  
19 water then that's, you know, maybe that helps.

20 That's it I think. That was all I had.

21 PRESIDING MEMBER LEVIN: Mr. Lamb.

22 MR. LAMB: Yes.

23 PRESIDING MEMBER LEVIN: Just to help  
24 our staff it would be very helpful if you would  
25 submit the master plan for Mountain House directly

1 to our staff.

2 MR. LAMB: Okay.

3 PRESIDING MEMBER LEVIN: So they don't  
4 have to contact you to get it.

5 MR. LAMB: I don't have a problem with  
6 that. We might want to become, what was the  
7 word --

8 PRESIDING MEMBER LEVIN: An intervenor.

9 HEARING OFFICER CELLI: An intervenor.

10 MR. LAMB: -- we may want to become an  
11 intervenor. We haven't discussed it at our board.  
12 This is actually the first real very informational  
13 presentation.

14 They came and made a presentation to us  
15 but it was a little more general in nature. And  
16 we didn't really know what have a position but now  
17 we can probably go back to the board and find out  
18 if that's something they we want to do.

19 My general manager is here. And  
20 Mr. Sinswasa (phonetic) will probably instruct him  
21 to, at a minimum, get you information about the  
22 community and the planned community and probably  
23 get the developers in as well to let you know  
24 what's going on with due time.

25 PRESIDING MEMBER LEVIN: And on the

1 water issue it is helpful to know that you're a  
2 producer of reclaimed water. My understanding  
3 from he staff presentation is that's what would be  
4 used. I may have misunderstood.

5 It is state policy that power plants  
6 need to use reclaimed water, may not use fresh  
7 water unless reclaimed or other sources of water  
8 are infeasible.

9 MR. LAMB: Fine.

10 PRESIDING MEMBER LEVIN: So you have an  
11 offer here. I encourage you to talk to each other  
12 about that possibility. Because that is, that  
13 would be consistent with state policy if that  
14 wasn't already your plan.

15 MR. LAMB: The presentation said that  
16 they were going to buy it directly from Bethany  
17 Irrigation District which is not the same. They  
18 don't have a treatment plant.

19 HEARING OFFICER CELLI: Right. That's  
20 just a proposal at this point.

21 MR. LAMB: Okay.

22 HEARING OFFICER CELLI: So now is your  
23 opportunity --

24 MR. LAMB: That's why I was trying to  
25 bring it to your attention.

1                   HEARING OFFICER CELLI:  -- to speak to  
2           the parties and see what can be worked out.  And  
3           see what, we, of course, prefer power plants that  
4           are in compliance with all of the policies.

5                   MR. LAMB:  Thank you very much for your  
6           time.

7                   HEARING OFFICER CELLI:  Thank you.  And  
8           on other point which is that Final Staff  
9           Assessment will have a cumulative assessment and  
10          it has to include projects, known projects, I  
11          think that's already in the AFC probably too.

12                   And the AFC is on the website and the  
13          website at the Energy Commission which you can  
14          find out more about from Loreen McMahon in the  
15          back of the room is excellent.  It's choked full  
16          of information.  And pretty much every document  
17          that is submitted goes up on that website, not  
18          every document, but all the important documents,  
19          certainly notices.

20                   And so that's a great way to stay  
21          attuned to what's going on in this process.

22                   MR. LAMB:  Thank you.

23                   HEARING OFFICER CELLI:  Thank you.  We  
24          have Dick Schneider.

25                   MR. SCHNEIDER:  Good evening

1 Commissioner Levin --

2 HEARING OFFICER CELLI: Speak right in  
3 there, yes, thank you.

4 MR. SCHNEIDER: -- Hearing Officer Celli  
5 and members of the staff. My name is Dick  
6 Schneider. I'm a resident of Alameda County.  
7 More relevant, I was co-author of a ballot measure  
8 that appeared on the Alameda County Ballot in  
9 2000.

10 It goes by the name now, just Measure D  
11 which was its letter designation at the time.

12 But it was called the Save Agriculture  
13 and Open Space Lands Initiative. And it was  
14 passed by the voters overwhelmingly. Some 57  
15 percent of the voters passed it.

16 And if I can just read its purpose. It  
17 covers the affected area. The purposes of this  
18 initiative are to preserve and enhance agriculture  
19 and agricultural lands and to protect the natural  
20 qualities, the wildlife habitats, the watersheds  
21 and the beautiful open spaces of Alameda County  
22 from excessive, badly located and harmful  
23 development.

24 And one of the provisions of that  
25 initiative, it was numbered policy 14A in the

1 initiative. It's been subsequently renumbered as  
2 part of the East County Area Plan of Alameda  
3 County. I don't know what its current number is.  
4 It hasn't been changed just renumbered.

5 The County shall not provide nor  
6 authorize public facilities or other  
7 infrastructure in excess of that needed for  
8 permissible development consistent with the  
9 initiative.

10 Meaning, no more infrastructure could  
11 the County approve than was needed by the amount  
12 of development that the initiative allowed in the  
13 area that Measure D covered which is Measure D  
14 established an urban growth area around the Tri-  
15 Valley Cities and the rest of the unincorporated  
16 area was part of the open space that Measure D  
17 protects.

18 So county policy approved by the voters  
19 is to only allow enough infrastructure to serve  
20 the amount of development allowed in the open  
21 lands of Alameda County.

22 Now I'm very gratified to hear that the  
23 Energy Commission will be doing its own  
24 independent interpretation and analysis of Alameda  
25 County law.

1                   HEARING OFFICER CELLI: Stay right on  
2                   the mic please. They're saying that they can't  
3                   hear.

4                   MR. SCHNEIDER: Sorry. Again, I'm  
5                   gratified that you'll do your own independent  
6                   analysis. I think the words speak for themselves.

7                   Alameda County itself does not always  
8                   interpret Measure D the way certainly I as co-  
9                   author would like.

10                  Alameda County was not supportive of  
11                  Measure D. Back in 2000 they put a counter  
12                  initiative on the ballot. The Board of  
13                  Supervisors did.

14                  An action that now the California  
15                  Supreme Court would not allow without going  
16                  through a full CEQA analysis before putting  
17                  something on the ballot.

18                  Nevertheless the voters of Alameda  
19                  County defeated the competing initiative and  
20                  passed our Open Space Initiative.

21                  Several members of the Board of  
22                  Supervisors are still, the majority are still on  
23                  the Board as they were in 2000. So we've not  
24                  always seen eye-to-eye with the Board on Measure  
25                  D.

1                   So again, I'm very glad that you'll do  
2                   your own independent analysis regardless of what  
3                   staff and the Alameda County Board of Supervisors  
4                   might indicate they think is consistent with  
5                   Measure D.

6                   And I would repeat what Mr. Lamb said.  
7                   That Alameda County appears to be getting two and  
8                   a half million dollars of property taxes from this  
9                   development which is a lot of money these days.  
10                  It's a lot of money any day. But particularly  
11                  these days where public jurisdictions are cash-  
12                  strapped it's very likely that they would see two  
13                  and a half million dollars as a godsend and would  
14                  recommend that this is consistent.

15                  So I'm glad to hear that the Energy  
16                  Commission will provide its own analysis. You  
17                  don't have the same financial incentive as Alameda  
18                  County does to give an interpretation that might  
19                  not be consistent with the law.

20                  Thank you very much for the ability to  
21                  comment.

22                  HEARING OFFICER CELLI: Thank you.

23                  Robert Anderson.

24                  MR. ANDERSON: Hi, my name is Robert  
25                  Anderson. And I'm a resident of Mountain House as



1 well. And a lot of the previous --

2 HEARING OFFICER CELLI: Please speak  
3 right into that mic Mr. Anderson.

4 MR. ANDERSON: Oh, I'm doing my best.

5 HEARING OFFICER CELLI: You've got to  
6 get right on it.

7 MR. ANDERSON: Let me put this right  
8 over here. Okay. A lot of the previous speakers  
9 have already covered a lot of the points that I  
10 was interested in speaking to.

11 I guess a couple of more things here is  
12 that the residents of Mountain House feel like  
13 this is becoming a serial problem.

14 After the permitting of the EAEC and the  
15 issues with Tesla and, you know, each one of these  
16 projects comes and claims that, number one, what  
17 they're doing is not growth inducing.

18 And number two, well it's just this  
19 little increment that's, quote, not significant  
20 which I don't think is credible. But, you know,  
21 how many times in a row is this going to happen  
22 where each one is not significant when the  
23 cumulative impact becomes significant.

24 So it strikes me that in the application  
25 there really isn't any substantive discussion of

1 the cumulative impact at all yet.

2 So I just want to see that emphasized  
3 when the staff, I guess the CEC staff starts to  
4 dig into this that the cumulative impact is  
5 something that we're very concerned about there.

6 And I guess that's my main point. So  
7 I'll leave it at that.

8 HEARING OFFICER CELLI: Thank you.  
9 You'll find that when you read the Final Decision,  
10 well when you read the Final Staff Analysis before  
11 you get to the Final Decision, every, correct me  
12 if I'm wrong, but every environmental impact area  
13 has a cumulative analysis that goes with it.

14 MR. ANDERSON: Okay.

15 HEARING OFFICER CELLI: So --

16 MR. ANDERSON: There isn't one yet. So  
17 we'll be interested in seeing that.

18 HEARING OFFICER CELLI: It'll take some  
19 time to come on, yes. Thank you for your  
20 comments. Carol Ford, California Pilot's  
21 Association. Come on up. You're going to bend  
22 that mic down. Thank you.

23 MS. FORD: Good evening Commissioner  
24 Levin and Hearing Officer Celli. Thank you for  
25 hearing us. And I do represent, my name is Carol

1 Ford and I'm with the California Pilot's  
2 Association. I'm a vice-president of the  
3 California Pilot's Association.

4 And I have some very serious concerns  
5 about the velocity of the plume. And I did a  
6 rough calculation that at 4,000 hours if that's  
7 the maximum that they use this plant, that's 11  
8 hours per day that this plant would be operating.

9 And we talked about the, someone  
10 mentioned the how the hours of airports operation.  
11 Airports operate 24/7. They're open like  
12 highways. And you can come and go as you need to.

13 So this is a very serious concern. And  
14 especially because as the applicant has mentioned  
15 that the plume is invisible. It's very difficult  
16 to avoid an invisible plume.

17 And this is about two and a half miles  
18 from the airport. And an elongated pattern could  
19 have you flying right over this area or you could  
20 be coming on approach to land at one of the,  
21 there's several runways there and this could be a  
22 hazard. And I'm very concerned about this.

23 Because we have very high temperatures  
24 and high velocity shooting out of the top of this  
25 plume. So this is a hazard to aircraft and

1       especially at Byron Airport where you have a  
2       variety of aircraft.

3               You have sail planes and soaring and  
4       different types of aircraft that and students, a  
5       lot of students so you have a variety of aviation  
6       issues conflicting with an invisible plume. That  
7       gives me great concern.

8               Also because the plume shoots high in  
9       the air some plumes shoot more than twelve hundred  
10      feet in the air. I don't know the exact height of  
11      this plume.

12              But if it's shooting at twelve hundred  
13      feet in the air and the pattern altitude is a  
14      thousand feet and you're lessening that altitude  
15      so that you can land when you'll be at ground  
16      level you don't want to have to encounter  
17      something that is at a thousand feet or more on  
18      your way to the ground.

19              This would be very disruptive to flight  
20      and dangerous for the pilot as well as people who  
21      may be on the ground.

22              Additionally, not only is the turbulence  
23      disruptive but when these gases come out of this  
24      plume that disrupts the engine operation if  
25      there's not enough oxygen in the plume.

1                   And I know of accidents that have been  
2                   caused by plumes. And that was the problem in the  
3                   one of them I thinking of where the aircraft flew  
4                   over the plume and the engine stopped functioning  
5                   because it was starved for oxygen and the aircraft  
6                   crashed.

7                   So we don't want to have that repeated  
8                   here. And this is something that we could think  
9                   about beforehand and move a power plant or not  
10                  have it within 5 miles of an airport.

11                  So I think those are all my comments for  
12                  now except one last thing. When you mentioned  
13                  that we have public places for the public to  
14                  comment I think we should also mention that it's  
15                  not taken as evidence unless you're sworn in as  
16                  part of an evidentiary hearing.

17                  So peoples' public comments are  
18                  disregarded by the CEC unless they are part of  
19                  evidence and you're sworn in. Isn't that correct?

20                  HEARING OFFICER CELLI: Not quite. It  
21                  isn't evidence because it's not sworn testimony.  
22                  However the state of the law right now is that  
23                  public comment must be considered and addressed in  
24                  the PMPD, the Presiding Members Proposed Decision.

25                  And so and since I'm the guy that's

1 going to be writing it for the most part I  
2 actually name names and say, Carol Ford came in  
3 and spoke to this at the evidentiary hearing and  
4 that sort of thing.

5 And so, yes, the comment is a part of  
6 the record. And we address it and tie into the  
7 rest of the analysis.

8 PRESIDING MEMBER LEVIN: Ms. Ford I want  
9 to thank you for waiting this long to make your  
10 comment. We absolutely take safety as a paramount  
11 concern.

12 On this issue, I think, like a number of  
13 issues I encourage you to speak directly with the  
14 applicant. We have had other similar cases in  
15 California or in situations where a power plant is  
16 in relatively close proximity to an airport.

17 I think it would be helpful to know how  
18 much warning you would need. Whether a warning  
19 system is feasible for a plant that can turn on in  
20 less than 10 minutes.

21 I mean --

22 MS. FORD: No, I don't think that there  
23 is any warning system that's feasible because  
24 planes fly all of the time. And you wouldn't know  
25 when a plane was coming over when that plume was

1 going to start.

2 So I don't, and if you're coming from  
3 out of the area arriving at Byron it's like a car  
4 on the highway. You don't know exactly what time  
5 you're going to arrive at your destination. So  
6 there's no way to warn someone that's, no, I don't  
7 think that work at all.

8 And in Blythe it's been a serious  
9 disruptive element to the planes flying in and out  
10 of Blythe because the power plant was put directly  
11 on the final approach, very serious issues. It's  
12 still ongoing.

13 But thank you Commissioner.

14 PRESIDING MEMBER LEVIN: Okay, well and  
15 I do want to reiterate whatever the laws says. If  
16 you submit comments we will take them very  
17 seriously. And they are very much welcomed from  
18 any member of the public.

19 MS. FORD: Thank you Commissioner.

20 PRESIDING MEMBER LEVIN: And especially  
21 on an important issue like safety. We need to  
22 know what the factors are.

23 MS. FORD: Thank you very much.

24 PRESIDING MEMBER LEVIN: Thank you.

25 HEARING OFFICER CELLI: Thank you very

1 much. I want to make a personal observation if I  
2 may. I recall, and this is to staff, it was, I  
3 can't remember, I think it was in Eastshore or  
4 Russell City one of those, where they had a hotly  
5 contested aviation issue.

6 And I remember going in to watch, I mean  
7 the Final Decision before the Commissioners and  
8 finally the FAA showed up. I mean it was way late  
9 in the game. It was ridiculously late.

10 And so I just want to make sure that  
11 that doesn't happen in this case. I mean the FAA  
12 should be all over this. And we should be,  
13 everybody, all the players should be aware that  
14 aviation is a likely issue here.

15 And so all the parties and all the  
16 players should be involved. So thank you very  
17 much for your comments.

18 I also have Keith Freitas, Director of  
19 Airports from Contra Costa County Airports,  
20 requests additional analysis.

21 MR. FREITAS: Well at least one of the  
22 players will be here today. First of all I'd like  
23 to thank the Commission for the opportunity to  
24 speak tonight to set the record straight.

25 At this point we are neutral on the



1 project. By way of history Contra Costa County  
2 operates both Buchanan Field Airport and Concord  
3 and the Byron Airport which it's approximately  
4 2.65 miles northwest of the proposed site.

5 And again at this point we've been  
6 contacted by staff from the CEC and thank Mr.  
7 Hoffman's group for working with us.

8 There's several concerns we've had as  
9 you've heard from many of the pilot's groups,  
10 Dr. Yeager that sits on our AELUC. We just want  
11 to support that analysis.

12 Again, by way of history we built the  
13 Byron Airport about 15 years ago at the cost of 22  
14 million dollars in partnership with the FAA, state  
15 of California and our local share.

16 We'd hate to see the Diamond Corporation  
17 spend about the same amount of money on a facility  
18 like this and then find out that there's a  
19 problem, particular safety or utility for the  
20 Byron Airport.

21 So we support thorough analysis, the  
22 safety of pilots and use of the airport for our  
23 nautical uses. Thank you very much.

24 HEARING OFFICER CELLI: Thank you. And  
25 thank you for being here. I have Sylvia Little.

1 All right if you could bring the mic right down to  
2 your --

3 MS. LITTLE: I'm speaking for Sylvia  
4 Little. And we live on Kelso Road. Our  
5 properties are adjacent to the facility proposed.

6 And we noticed in the presentation that  
7 the Mountain House Town was mentioned. And there  
8 wasn't a mention about all of the people that live  
9 on Kelso Road and that have lived there for many  
10 years and some of them for their lifetime.

11 And we wanted to be certain that these  
12 families were considered for whatever  
13 environmental impact or noise impact or property  
14 value impact would be considered.

15 HEARING OFFICER CELLI: Can I ask you  
16 what, when someone says, where do you live, what  
17 town are you from? What do you say?

18 MS. LITTLE: Well, that's interesting.  
19 We're in Alameda County. Our mail comes from  
20 Tracy. We pay property taxes in Alameda County.  
21 And some of us have our mail delivered from Byron,  
22 California which is Contra Costa County.

23 So it's kind of confusing when we say  
24 where we're from. The other thing that was  
25 mentioned in the presentation that there wouldn't

1 be any new building that would be happening after  
2 this facility was built. And I was wondering how  
3 they knew that. That no one would be building a  
4 home or anything in these properties that are very  
5 near.

6 HEARING OFFICER CELLI: That's a  
7 question for the applicant or staff. Who made  
8 that representation?

9 MS. LITTLE: The presentation --

10 HEARING OFFICER CELLI: Please --

11 MS. LITTLE: -- mentioned it.

12 HEARING OFFICER CELLI: -- you would  
13 Ms. Zarecki.

14 MS. ZAGRECKI: Zagrecki.

15 HEARING OFFICER CELLI: Zagrecki, sorry.

16 MS. ZAGRECKI: Okay Mr. Celli. We  
17 aren't providing any infrastructure for additional  
18 development. So we're not providing sewer lines.  
19 We're not going to provide, you know, electricity  
20 to houses, water lines.

21 So our power plant is just our power  
22 plant. We're not going to have any growth  
23 inducing infrastructure that would encourage a  
24 developer to come in and build a bunch of houses  
25 next to it.

1                   So nothing that we're doing would  
2       encourage that development.

3                   MS. LITTLE: I see. Thank you very  
4       much.

5                   HEARING OFFICER CELLI: And thank you  
6       very much for your comments. I have one last  
7       yellow card here. This is your last shot folks.  
8       If anybody wants or --

9                   PRESIDING MEMBER LEVIN: Yellow.

10                  HEARING OFFICER CELLI: Oh, I'm sorry.  
11       My color blindness is showing (laughter). If you  
12       wanted to make a comment I need you to please fill  
13       out a blue card so that the Public Advisor's  
14       Office can bring it up to us and we can call your  
15       name out.

16                  With that I've got Andy Wilson from the  
17       California Pilot's. Please speak right into that  
18       mic. You're going to have to bend it right up to  
19       you. Thank you.

20                  MR. WILSON: Good evening Mr. Hearing  
21       Officer, Commissioner and I think we have the  
22       advisors, so, them too --

23                  HEARING OFFICER CELLI: If you could --

24                  MR. WILSON: -- and the staff.

25                  HEARING OFFICER CELLI: -- yeah, I need

1       you to because you're speaking at an angle.  It's  
2       got to be like right on you.

3               MR. WILSON:  All right.

4               HEARING OFFICER CELLI:  Like a --

5               MR. WILSON:  We're ready to go.

6               HEARING OFFICER CELLI:  -- down the  
7       rifle tube.  There you go.

8               MR. WILSON:  I would just like to inform  
9       you that I have attended all, most if not all, the  
10      proceedings for Eastshore and Russell City, the  
11      two previously mentioned.

12              In addition to that I recently appeared  
13      before the Riverside Airport Land Use Commission  
14      on the French Valley Airport the controversy down  
15      there.

16              One of the things, and I also appeared  
17      before with Mary Hayashi, Assembly Member Mary  
18      Hayashi when she introduced her bill about second  
19      power plants and areas.

20              So I've appeared before the Utilities  
21      and Communication Commission in Sacramento.

22              One of my disappointments is that in  
23      spite of California Pilots being represented,  
24      having representation by attorney, legal counsel  
25      in Eastshore and Russell City Cal Pilots was never

1 mentioned or invited to this project.

2 That being said I want to thank the  
3 applicant because we heard about it second hand.

4 And Pilots as well as other people in  
5 aviation were invited to the Byron Airport. As a  
6 matter of fact Ms. Ford and I flew in to that  
7 meeting.

8 You people as we drove up came back from  
9 the site but the applicant also drove us out to  
10 the site at that time. It was two to four weeks  
11 ago.

12 So again I want to thank the applicant  
13 but I want to caution the Commission in spite of  
14 this controversy we were not notified.

15 Our general counsel was not notified.  
16 We're well known within the state of California.

17 We have legal counsel. We're on the  
18 internet but yet we weren't invited.

19 I would also like to point out or in  
20 addition I want to thank the applicant for the  
21 food tonight. No one has done that but I'll thank  
22 them for the food.

23 So as Ms. Ford mentioned we do have some  
24 concerns. I'd hate to see a repeat of Eastshore  
25 and Russell City for this power plant. But we're

1 on that road.

2 Russell City is now, I believe, year  
3 eight or nine. So are we going to have a nine  
4 year process for this power plant?

5 I think the Commission, I think the  
6 applicant better come forward on the aviation  
7 issues.

8 Another problem, Bay Area Air Quality  
9 Management District, the CEC staff, the CEC and  
10 the applicants have not addressed pilots as  
11 receptors.

12 You've heard that there aren't any  
13 receptors in the area. Pilots will be flying in  
14 and near and through the plume. We're receptors.  
15 This is not addressed. It hasn't been addressed  
16 in Eastshore and we're, it's, we're before the EPA  
17 now to address this issue with Russell.

18 So if you don't address it we'll take it  
19 to the EPA in D.C. simple as that. We need your  
20 attention on this issue. Thank you very much.

21 HEARING OFFICER CELLI: Thank you very  
22 much for your comments. Is there anyone else, any  
23 member of the public who is present who would like  
24 to make a comment to the Committee?

25 PRESIDING MEMBER LEVIN: Actually before

1 we ask for any final public comments can I ask  
2 staff, either the project staff or from the Public  
3 Advisors Office to respond to the question why the  
4 California Pilots Association wasn't notified and  
5 how we can ensure in the future siting cases that  
6 are close to airports that we do notify them.

7 MS. MCMAHON: Yeah, I'll take a stab at  
8 that. This is Loreen McMahon of the Public  
9 Advisors Office.

10 Every time, they know so I'm not going  
11 to talk to you (laughter). Every time we start a  
12 new power plant siting case we start from scratch  
13 on our lists.

14 We have certain lists that are standard  
15 lists like the agencies that are involved. But  
16 the other lists are built specific to each  
17 community.

18 And in my office we try to locate, like  
19 I said we use the internet. And we try to locate  
20 organizations and community groups within an area  
21 that will assist us in getting the word out.

22 Because we don't have, you know, we  
23 don't canvas the area and send out thousands of  
24 pieces of mail.

25 So what we do do is try to find people



1       that will help us by posting and giving, passing  
2       on the information to their memberships.

3               We also rely on the newspaper. We have  
4       the media office. As you recall from my  
5       PowerPoint presentation we had a whole list of  
6       what media received the press releases.

7               We also use public service announcements  
8       and then the paid advertisements that we put in.

9               And in your community we also did it  
10      bilingually.

11              So there is a lot of effort. And I'm  
12      sorry that we didn't pick up your particular  
13      issue.

14              Another thing that my office is  
15      compiling is groups that are interested in more of  
16      a broad interest in siting cases such as your's  
17      were. It would come up from siting case to siting  
18      case. And we're starting a data base of that.

19              So we have environmental groups like  
20      Sierra Club. And we have environmental justice  
21      groups that are on that.

22              And now I've learned that we will be  
23      putting airplane, airport issues on that. So at  
24      least it was a learning experience.

25              HEARING OFFICER CELLI: Thank you very

1 much. Any further comment, public comment?

2 Okay, Commissioner Levin.

3 PRESIDING MEMBER LEVIN: All right.

4 Well thank you everyone. I know this has been a  
5 long evening but it's important. We do welcome  
6 public input at any time. Certainly at any  
7 hearing that we hold we will consider in the  
8 future hearing at Mountain House or other  
9 locations.

10 But I do again want to thank the  
11 Irrigation District for hosting tonight's hearing  
12 and apologize for the technical difficulties.

13 You all were the guinea pigs. But I'm  
14 not doing a very good job of staying close to the  
15 mic. You all were the guinea pigs in the webex  
16 and I appreciate your patience in sticking it out  
17 this evening.

18 But we do look for every opportunity  
19 that we can to encourage public participation.

20 Even if you are not a formal intervenor  
21 you are welcomed to submit written comments. We  
22 will consider them. We will review them and we do  
23 encourage that.

24 We will issue a scheduling order by  
25 November 15th which sounds like it will be the

1       proposed order since the applicant has expressed  
2       agreement with it.

3               And if there are no further questions or  
4       comments I'd like to thank you all, wish you a  
5       good evening and have a good night.

6               (Whereupon, at 7:24 p.m., the  
7       Informational Hearing was  
8       adjourned.)

9                               --o0o--

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## CERTIFICATE OF REPORTER

I, JOHN COTA, an Electronic Reporter and Transcriber, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Informational Hearing; that I thereafter transcribed it into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of October, 2009.



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JOHN COTA